



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.17 a.m. – 1:50 p.m.

Gibraltar, Thursday, 21st May 2015

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Adjournment.....	80
<i>The House adjourned at 1.50 p.m.</i>	80

The Gibraltar Parliament

The Parliament met at 10.17 a.m.

[MR SPEAKER: Hon. A J Canepa GMH, OBE, *in the Chair*]

[ACTING CLERK TO THE PARLIAMENT: C McDonald Esq *in attendance*]

Questions for Oral Answer

SPORTS, CULTURE AND YOUTH

Q290/2015

Heritage sites – Works carried out and cost

Mr Speaker: Question 290/2015, the Hon. Mr Reyes to the Minister for Sports, Culture and Youth.

Acting Clerk: Meeting of Parliament, Thursday 21st May, 2015.

We continue with Oral Questions. Question 290/2015, the Hon. E J Reyes.

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Hon. E J Reyes: Mr Speaker, sir, can the Minister for Heritage provide details of all works, together with a breakdown of respective cost, undertaken at any heritage-related site since the answer provided to Question 189/2015; as well as stating by whom these works were carried out?

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Acting Clerk: Answer, the Hon. the Minister for Sports, Culture and Youth.

Minister for Sports, Culture and Youth (Hon. S E Linares): Mr Speaker, there have been no further works undertaken at any heritage-related site since my answer to Question 189/2015.

Q291/2015

Indoor swimming pools – Lifeguard manning levels

Acting Clerk: Question 291/2015, the Hon. E J Reyes.

15

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of the lifeguards manning levels provided at the indoor swimming pools?

Acting Clerk: Answer, the Hon. the Minister for Sports, Culture and Youth.

20

Minister for Sports, Culture and Youth (Hon. S E Linares): Mr Speaker, the manning levels of lifeguards in the indoor swimming pools has not changed since the Hon. Members were in office. The GSLA have managed the indoor pools since May 2006, but the staff were not managed until 1st June 2012.

25 Now the GSLA manage both the pools and the employees. The current manning levels are three lifeguards and two pool managers, who are qualified lifeguards on alternate shifts and are on site at any time from 7.00 a.m. to 5.00 p.m. to care for the public use.

During closed sessions after 5.00 p.m. where the allocation holders are required to supply their own lifeguards, the GSLA also provide a pool manager and a lifeguard on site. Government is working with the GSLA and union on reviewing the manning levels in question.

30 **Hon. E J Reyes:** Yes, Mr Speaker, just for the sake of clarity, when the summer bathing season comes along and the outdoor facilities are open on site, are then additional manning levels provided for that or do these three guards and two managers also expected to double up during the summer months and cater for the outdoor facilities?

35 **Hon. S E Linares:** No, Mr Speaker. The bathing pavilion is managed by the GTB – the Tourist Board; therefore, they will employ lifeguards similarly as they employ lifeguards for beaches. The question was about the pool itself, the two pools, and that is the manning of the pools, but obviously when the bathing pavilion opens, the GTB then employ extra lifeguards to man the outside.

40 **Hon. E J Reyes:** Yes, that does help, Mr Speaker.

One further thing, perhaps the Minister is aware, the manager's level, which we were content with and so on, having those managers, were they not special because they are also capable of doubling up with lifeguard facilities should the situation unfortunately require? What about the managerial facilities for outside? If the Minister is aware, would those be undertaken by the two managers catering for the indoor
45 pools or is there a separate manager as well in addition to the Tourist Board lifeguards that are provided for the outdoor facilities?

Hon. S E Linares: Mr Speaker, the situation is that the GTB will employ a supervisor of sorts to man the bathing pavilion outside. There might be instances where the lifeguards outside might be helping or
50 working in conjunction with lifeguards inside, but it is two separate groups – that means the permanent ones that are in the pool and then the seasonal ones that are outside, and that includes the management.

BUSINESS AND EMPLOYMENT

Q275/2015

Industrial tribunal hearings – Details of venue

Acting Clerk: Question 275/2015, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment please confirm what the position is in relation to
55 the venue for industrial tribunal hearings?

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, industrial tribunal hearings
60 may be held at one or two venues: a board room at the John Mackintosh Hall at 308 Main Street and a board room at the main offices of the Department of Employment at 75 New Harbours. Both venues are available on request.

Hon. D J Bossino: I have spoken to the Minister about this question and I cannot say that it is the best
65 drafted question I have produced, but he understood it and I am grateful for that.

The reason why I ask the question is because I heard at one point that the venue had reverted to the ETB premises, and as a practitioner in this field, and he also was a petitioner in this field, I can tell him that having the venue at the John Mackintosh Hall is highly convenient. So I am wondering whether... but he
70 says in essence there is flexibility as to where the hearings are held. Mr Speaker, does the Government have any plans in relation to a permanent fixture as far as the venue is concerned in relation to this?

Hon. N F Costa: Mr Speaker, in order to clarify to the hon. Gentleman, the change, in effect, was to relocate the Secretariat from Town Range to the offices of the Employment and Training Board. What that
75 meant is that the Secretariat now has what I think are better equipped offices. The offices at Town Range were liable to damp. They were very poor in terms of size and did not have regular consistent access to the internet and we thought that it was best to fit them out and equip them with proper and effective working offices. The flip to that was that whereas the chairpersons always had the tribunal hearings at the John Mackintosh Hall, chairpersons can still continue to have hearings at the John Mackintosh Hall should that be their preferred venue, but that they can also now elect to have hearings heard in a board room of the ETB
80 especially dedicated for that purpose. As I say, the reason for the change in venue was not so much for the

hearing venue, but rather for the Secretariat so that they could have properly functioning offices where they could discharge their functions.

85 In terms of whether there will be a particular set venue for the industrial tribunal, I am sure you will be pleased to know that part of the reform will be to locate a conveniently situated place, in town preferably, where there will be more than just one room for industrial tribunal hearings. Preferably there will be two such rooms and also a permanent fixture for the Secretariat.

90 **Hon. D A Feetham:** Mr Speaker, may I commend this course of action to the hon. Gentleman and I think he knows that I was Minister for Justice for four years and this was something that I looked into in quite a lot of detail, and that is to consolidate all the tribunals and relocate all the tribunals into the Central Police Station. The Central Police Station is an ideal location, particularly for the industrial tribunal because of course it was built at a time when there were Magistrates' Courts located in the same venue as a police station. So there is a wonderful Victorian room in the Central Police Station that was used for Magistrates' hearings. That is an ideal venue, not only for the industrial tribunal, but also for consolidation should, of course, that be the policy of the Government, but I am commending that to the Government as an appropriate course of action of locating everything there, all the tribunals there, and that gives you the space and also the facilities in order to have the hearings of the industrial tribunal.

100 **Hon. N F Costa:** Mr Speaker, I am grateful to the Hon. the Leader of the Opposition for the suggestions. Just so that he is aware, in my discussions with the Bar Council and the other organisations that have provided to me written proposals, no one has, as yet, suggested his proposal insofar as discussions have centred on the location for industrial tribunal hearings. There have been different alternatives proposed, but not that one, but now that he does raise it, it is something that I will certainly take into consideration and will discuss with the relevant Ministers as the industrial tribunal reforms progress.

105 **Hon. D A Feetham:** Yes, Mr Speaker, because I am aware that the Government has now asked for expressions of interest in relation to the Central Police Station – that has been advertised in the press recently. But that is a wonderful building with a lot of heritage value and to retain that in the public service in something related to the justice system I think would be an appropriate use for that particular building. That is what I am commending and I hope that the hon. Gentleman takes that on board and perhaps can discuss it with his colleagues when they next meet in Cabinet.

Hon. D J Bossino: Is he able to shed any light, Mr Speaker, as to the venues that he is looking at?

115 **Hon. N F Costa:** Well, Mr Speaker, the Bar Council in particular was divided as to whether the existing Court building... there is one particular court room which is not always in use, which is the Coroner's Court room and whether that could usefully serve as an industrial tribunal hearing venue. The meeting was split in that some thought that the formality of a court room would perhaps defeat the purpose of an industrial tribunal hearing and others were more inclined in locating a suitably resourced and sized office space which could serve to have two industrial tribunal hearing rooms and also offices for the Secretariat. But the hon. Gentleman now proposes to me a third alternative which will also be looked into.

Q276/2015 UK Employment Tribunal – Information

Acting Clerk: Question 276/2015, the Hon. D J Bossino.

125 **Hon. D J Bossino:** Thank you.
Can the Minister for Employment provide more detail as to the information he was able to obtain following his visit to the UK Employment Tribunal?

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

130 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I set out the main areas of discussion as follows.

I had the pleasure of meeting with the Hon. Mr Justice Langstaff, President of the Employment Appeals Tribunal and Julia Johnson, the Registrar of the EAT. My legal counsel and I met with them at the EAT's main offices at Fleetbank House in London. Our meeting lasted over two hours, during which we received a

135 tour through the five court rooms and seven employment judges' chambers at Fleetbank House. We were also fortunate to see the EAT's back office where the EAT's 26 staff members co-ordinate and administer each of the appeals.

During the London visit we also met with Judge Potter, the Regional Employment Judge for Central London, at her office at Victoria Street. During each of these meetings we were able to hear invaluable
140 first-hand accounts of the processes behind both the UK Employment Tribunal and the Employment Appeal Tribunal. Another area of interest was the type of cases typically heard before the ET and how this had evolved over time with the enactment of new employment-related legislation.

We had a brief discussion on the UK's introduction of fees for both ET and EAT cases, although this was limited as we indicated that we had taken a policy decision *not* to introduce fees within our industrial
145 tribunal reform process.

We also entertained a detailed discussion on procedures, practicalities and results pertaining to the introduction of mandatory conciliation provided through ACAS.

The President was also able to provide us with an outline as to the judiciary set up that ranged from full-time judges to part-time judges and recorders. This led to a discussion on judicial training and the issue of
150 practice directions to facilitate both judges and the parties in dispute as well as their lawyers.

The training systems in place were also described so we were able to appreciate the process behind the judicial training that each judge needs to undergo before they are able to preside over a case. This was supplemented with information relating to existing judges continued professional development once they have received their judicial training.

155 Judge Potter was kind enough to introduce me to Employment Judge, Philip Rostant, who is the Employment Tribunal's Director of Training and co-ordinates the training for employment judges in the United Kingdom. I have recently corresponded with Mr Rostant and I look forward to obtaining advice and guidance as we implement our reforms.

The judges also explained the Employment Law Appeals Advice Scheme (ELAAS) which is staffed by
160 experienced employment solicitors one day a week for the benefit of the parties in dispute. Each of the judges was also able to provide some guidance on their target timetables for hearing cases and how often these targets are met.

Hon. D J Bossino: I am very grateful for the very full and accurate response by the Minister to my
165 question. I would ask him whether he has reached any conclusions as a result of that visit in relation to what could be fed into our system, because clearly the system in the UK is in many different respects – I am sure he would have appreciated when he went there – a different beast to what we have here. One of the things is, for example, you have permanent judicial staff, which at this stage here we do not, with, in effect, volunteer chairmen and chairwomen. But is there anything which he thinks he can bring in to the reforms
170 that he is intending to introduce in Gibraltar?

Hon. N F Costa: Mr Speaker, yes. In the first place I think it is safe to say, even at this stage, that the industrial tribunal reform will be based primarily – although, of course, with due alternations – on the employment tribunal rules.

175 As the hon. Gentleman knows, because he practices employment law, one of the issues that currently face chairpersons is whether they do have certain powers, and I do not intend to create this into a legal debate, but certainly he knows that some chairpersons are happy to strike out cases and other chairpersons think that within the current rules there is no such power, and therefore you may very well have a case where a chairperson would be quite robust and strike out a case and another chairperson may not feel quite comfortable to do that. Therefore, I think the first port of call for the Government introducing the reforms is to ensure there is consistently in decision making so that the most important part of the reform will be to make sure that the rules are simple rules that all chairpersons will be able to understand and where the powers of chairpersons are clearly spelt out. So in a sense that would be the easiest part of the reform because thankfully we do have an existing rule system in the UK which we think will very much be
180 adaptable to our domestic *jurisprudence*. In any case, as the hon. Gentleman knows, employment tribunal cases very much have highly persuasive value and so it makes perfect sense that the rules reflect the UK system.

The policy decisions, I think, will come insofar as – and he has already pointed out that that is probably where they will come in – whether we have a full-time chairperson or a panel of part-time chairpersons or
190 we continue with the existing set up where there is a list and essentially each case is allocated to the next chairperson on that list, and that is where the discussion is currently being held with... you are right – the union, the GGCA, the Bar Council and individual practitioners.

Another important area of policy is also whether conciliation should be mandatory or not, and there is very much at this point consensus among all of the parties that have submitted working proposals to the
195 Government that there should be mandatory conciliation before a case comes to the industrial tribunal.

Interestingly, I am sure he will be interested to learn that the Bar Council is one of the parties that is most in favour of conciliation at the beginning to be conducted without lawyers so that it would be mandatory conciliation and the parties would be present without the lawyers and the conciliator. The question then becomes: by what criteria do we obtain the conciliator? A proposal to put to us is that the list of chairpersons would act as chairpersons and conciliators so that a chairperson who has chosen to be a conciliator in the case will therefore not be able to be a chairperson and *vice versa*.

Then the question in the case that an applicant or a respondent, who is being vexatious and reasonable, should they be liable to pay costs? Again, there seems to be consensus among the proponents of the reforms that for persons who do bring cases, who are clearly vexatious and frivolous, and for employers who clearly defend cases where it is clearly the case that the employee has been unfairly dismissed, both parties in those cases should be able to be liable for costs. So whereas there may not be a strict rule, as in the Supreme Court, that costs follow the event, chairpersons should have clearly set out, in the rules that I mentioned at the beginning, the ability for them to slap the offending party, as it were, with costs.

So, as I say, the main questions of policy would be costs in what circumstances. Chairpersons: do we have them full time, part time or from the existing list?

Hon. D J Bossino: Mr Speaker, I am grateful for that reply again.

He mentions the proponents of the reforms. Who is he thinking about when he says that, because he has mentioned in the context of his reply, and I think on at least a couple of occasions, the Bar Council? But presumably – and I think he may have said so in previous replies – he will also be consulting the relevant unions as well. (*Interjection*) Yes, I am grateful.

Hon. N F Costa: The persons who are bodies that have written to the Government so far have been Unite the Union, the GGCA, the Bar Council, and there have also been individuals who would rather remain private, but it is not just the usual persons. And, of course, I forgot the Chamber of Commerce. They also wrote to me a quite significant document as well, but apart from those four bodies there have also been individual lawyers who feel quite strongly about this reform and have also written to me in quite significant detail with their views.

Hon. D J Bossino: And a usual question from the Opposition: does he have an idea as to when he thinks he will be in a position to publish the revised rules?

A Member: Soon! (*Laughter*)

Hon. N F Costa: Yes, Mr Speaker. I am prompted and I was going to say that they shall be introduced soon. But taking all factors into account, and so long as we can introduce the reform, lock, stock and barrel by way of subsidiary legislation, as opposed to making amendments to the primary legislation – and I think we can do it by just repealing the existing industrial tribunal rules and introducing fresh new rules – we should be able to do so before August.

Mr Speaker: Next question.

Hon. D A Feetham: Mr Speaker, just one more, please, if I may?

Mr Speaker: Yes.

Hon. D A Feetham: The hon. Gentleman mentioned the question of costs and that is a seismic change because potentially the question of costs really affects whether people take proceedings or they do not take proceedings. At the moment the worker is not exposed to a cost order and therefore is more likely to take proceedings in than a situation where that worker is exposed to cost. Does he intend to make this retrospective in nature or will it only apply prospectively to new cases issued after the regulations? Will there be any kind of publication of those regulations so that the general public can see them and that there might be some participation from the general public as well in relation to what is – if there is a change in the question of costs – quite a seismic change in the culture of the industrial tribunal?

Hon. N F Costa: Mr Speaker, the hon. Gentleman knows, because I was able to say so on the last occasion where the Hon. Mr Bossino asked me on these issues, that the Government have taken the policy decision from the outset that it would not be introducing fees. Instinctively we all feel –

Hon. D A Feetham: I am talking about adverse costs.

Hon. N F Costa: Yes, and I am getting there.

Instinctively we feel that to introduce fees before starting a case would be to limit access to justice to the very people that we would say need it of course, because a person who has been unfairly dismissed and is out of a job would not be able to afford, for example, £15,000 to take a case.

260 The hon. Gentleman asks me specifically about the question of costs at the end of a case and therefore whether it may be possible that a claimant may decide not to bring a case if he is worried about costs; whereas the detail of that will be embedded in the rules, from my instructions to Council the way that I see costs working are in the following cases.

265 In the event that the chairperson comes to the view that the claimant's case is either frivolous or vexatious or unreasonable – in other words, they really are quite high standards – then the chairperson would have the discretion in which to award costs and that is why I explained to the Hon. Mr Bossino that unlike in the civil procedure rules, it will not be the case that a successful party will automatically be awarded costs. It will be in cases where the chairman would have at some point in the proceedings made it clear to one of the parties that clearly there is either no case to defend, because there clearly was an unfair dismissal, or on the other hand the chairperson would have indicated at some point to the claimant that the dismissal was fair.

In other words, given that the Government is not introducing fees, which is why I started with that explanation, we do not want costs to then be seen as a bar to access justice. Therefore, because the rules would be based almost predominantly on the costs section on the UK rules, it is the reason why, as I said to my hon. Friend as well, there would be clear common law on when chairpersons will be awarding costs. They will only be awarding costs when the case is clearly won, where either the claimant is acting in a way which would be considered unreasonable or the respondent employer is defending that claim, while clearly he should just accept that he acted unfairly.

270 And, if I may finish the answer to the question to the Hon. the Leader of the Opposition, although I have not yet decided, I think that the Bar Council and another body were suggesting that even in cases where costs may be awarded, there should be a limit of up to, say, a cap of £20,000. So that may well be also part of the rules.

285 **Hon. D J Bossino:** Yes, Mr Speaker, I think the Hon. my learned colleague here I think would like to know on the very.... Yes.

Hon. N F Costa: Sorry.

To answer a question put to me which I did not answer, the rules will be prospective, not retrospective.

290 **Hon. D J Bossino:** Yes, I think the Hon. the Leader of the Opposition I think alights on a very pertinent point, and indeed there are many areas in employment law already – I stand to be corrected, but I think that is correct – where cases are brought in the Supreme Court. I think in fact the legislation which was moved by his Government in relation to bullying at work is one of them, where costs in those cases will follow the events because you are under the jurisdiction of the Supreme Court.

295 But I think that that threshold which he is talking about is – and this is the question – I think already there in legislation, is it not? I think that sort of high test which needs to be satisfied is already present in the current legislation. What I am not too sure about – I have not looked at it in some time – is whether indeed it is in the primary legislation or the secondary legislation.

300 And if I could just ask a further question, which he may not have answered in the point made by my learned friend, the Leader of the Opposition, whether we will be given or not given... the public and indeed the Opposition therefore will be given an opportunity, should the changes have to come through secondary legislation, to have a say in relation to those particular provisions?

305 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman is correct in saying that there already exists a test as to when the chairperson can award costs and the wording does, if I recall correctly, refer to 'frivolous' and 'vexatious'. But the point I think that the hon. Gentleman is trying to make is that whereas that test may exist, costs are assessed – again, if I recall correctly – by the Magistrates' Court standards, which means that even in cases where either the claimant or the respondent had been outrageous in either the prosecution or the defence of the claim, the awards of the costs are so low as to really have no real meaning. So even if the test that is employed in the reform remains the same as currently exists in the existing the rules, the fact that we would raise costs from whatever paltry amount it is by Magistrates' Court standards to, say, £20,000, therein will lie the real deterrent effect either way, because £20,000 or £30,000 or whatever figure we reach, obviously the point of the cost is to make sure that people think twice before prosecuting or defending a claim which is hopeless.

315 The drafts of the rules, once prepared, will be sent to the bodies that have written to us. The hon. Gentleman knows that I have sent to him the Office of Fair Trading Bill and that we spent quite a lot of

time discussing the terms under clauses in that Act. So he knows me very well and he knows that I will be forwarding to him drafts so that he has the opportunity to provide his views on the draft once it is ready.

Q277/2015
Sunborn hotel –
New restaurant; job vacancies

Acting Clerk: Question 277/2015, the Hon. D J Bossino.

Hon. D J Bossino: Thank you.

Can the Minister for Employment confirm how many jobs will be provided for Gibraltarians at the Sunborn hotel in the restaurant it is reportedly opening in May this year?

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, it is not possible to say how many jobs will be provided for Gibraltarians, or any other nationalities, at La Sala restaurant, or for any other employer.

Hon. D J Bossino: Mr Speaker, can he explain why it is not possible? The reason why I ask this question is because a statement was issued – it certainly appeared in the *Chronicle* on 15th April. He may be aware of the article – and he nods – where the opening paragraph of the article states as follows:

‘The Sunborn hotel will offer between 50 and 70 jobs for locals in a “destination” 160-seat restaurant...’

It goes on, and I will not give them free advertising, but the question is why is it not possible to provide the information which I am seeking?

Hon. N F Costa: Mr Speaker, the reason why it is not possible to provide the information on the question that he asked is simply this, that when an employer notifies the ETB of a vacancy, it simply notifies the vacancy by way of a job description; it does not say that for a vacancy a specific nationality is being sought.

Hon. D J Bossino: Mr Speaker, in relation to this new venture – and I have asked his predecessor, Mr Bossano, questions in relation to this and specifically in relation to the Sunborn, and I suspect the answer is going to come back very similar – are moves being made by the Government to encourage the owners of this particular restaurant to employ trainees through its Future Job Strategy Scheme? I do not think he handles that himself as I think it is still handled by his predecessor, but could he enlighten us as to whether moves are being made to encourage that particular private sector employer to provide training to trainees through their own FJS scheme?

Hon. N F Costa: Mr Speaker, I cannot comment on the way of proceeding by the Hon. Minister Bossano, but I can certainly tell him what the ETB is doing in respect of encouraging this employer and indeed all other employers to take on residents.

There were 50 vacancies opened for La Sala and the moment they were notified of vacancies, what the Employment Training Board does is compiles a list of people that would be suitable for the different vacancies that open – for instance, there are vacancies for a cleaner, waiter, daytime supervisor, bar back, bar tender. So the employment officers immediately sit and start to compile lists of people that are registered with us as unemployed and who could be suitable for one of these vacancies. Then the Employment Service becomes responsible for arranging interviews with any particular employer – in this case we are talking about La Sala, but of any employer – and then, of course, we hope that that employer takes them on.

Q278/2015
Business Nurturing Scheme –
Details

Acting Clerk: Question 278/2015, the Hon. D J Bossino.

365 **Hon. D J Bossino:** Can the Minister for Small Businesses please provide details of how the Business Nurturing Scheme will work?

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

370 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, the Gibraltar Business Nurturing Scheme is a fund that has been established in order to support the development of new business start-ups and those existing businesses that wish to expand, but lack the financial requirements to do so.

I now hand over to the hon. Gentleman, the Gibraltar Business Nurturing Scheme information sheet, which is being handed out to those interested in the scheme, where he will find all the relevant details.

SCHEDULE TO QUESTION NO.278/2015

GIBRALTAR BUSINESS NURTURING SCHEME

Information Sheet

The Gibraltar Business Nurturing Scheme (GBNS) is a fund which has been established by HM GoG to support the Development of new business start-ups in Gibraltar. An amount of £250,000.00 will be set aside during this financial year for the scheme. Applications will be assessed on a point-based system by a committee of three individuals (one member of the Gibraltar Chamber of Commerce, one member from the Gibraltar Federation of Small Businesses and an official from the Ministry of Business and Employment). The committee will assess applications and award applications a preliminary score. Applicants achieving a preliminary score of 50/100 or more will be invited to meet the committee. Following the meeting, the committee will finalise their scores and they may make a consolidated recommendation to the Minister for Business and Employment to approve the loan.

Application forms and information sheets may be obtained from the reception at the Ministry of Business and Employment or by email request from the following email address: business.support@gibraltar.gov.gi.

- Applicants will be expected to disclose the following information on their applications (although this will not be taken into account when scoring applications):
 - a) Present and previous occupation;
 - b) Number of dependants; and
 - c) Whether the applicant has already received any third party financing or grants
- Applications should include the following documentation:
 - a) Copy of Passport or I.D. Card. Applicants must be at least 18 years old to apply.
 - b) Applicants will be expected to confirm that they have been resident in Gibraltar for the past 5 years. Applicants providing a copy of a local ID card or resident card will only need to provide a recent proof of address. Applicants without these cards will need to prove that they have been resident in Gibraltar for the past 5 years by providing copies of their water or electricity bills, or other valid proof of address.
 - c) Individual applicants will be encouraged to provide up to 2 character references.

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- d) Applications will be accepted from natural persons or companies. In the event of a corporate application, GBNS will need to know who is behind the company. This will include proof of ownership and identification of the directors. Corporate
 - e) applicants will also be required to submit a company profile issued by Companies House.
 - f) Applicants will be expected to submit a clear business plan and financial forecast.
 - g) Applicants who are established businesses will also be required to provide audited or unaudited accounts (as the case may be).
 - h) Applicants will also be expected to disclose whether they are in arrears (social insurance, tax, etc.).
 - i) Applicants are also expected to disclose whether they have any criminal convictions or been adjudged bankrupt or disqualified from being a director of a company.
 - j) Applicants will mostly be expected to repay the loan in equal instalments over a fixed period of up to 5 years. There may be instances where an applicant may foresee that an alternative repayment plan is better suited to their business. In such cases, we would encourage the applicant to present this alternative business plan to the committee.
- On a successful application the loan will be advanced on the following terms:
 - a) Repayable over a maximum term of up to 5 years;
 - b) repayable on a monthly basis in equal instalments (unless another repayment mechanism is proposed by the applicant and accepted by the GBNS Committee);
 - c) At a rate of 2%
 - d) Up to a maximum amount of £25,000.
 - Applicants will be expected to adhere to their business plan and will require applicants to keep original invoices and receipts for goods or services purchased via loan proceeds for at least 5 years.

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- The loan documentation will take the form of a non-negotiable loan agreement. The loan agreement will set out conditions pertaining to the loan and the consequences of default.
- Loans will only be drawn down into Gibraltar bank accounts and in GBP.
- The following factors will be taken into account when attributing a score to each application:
 - a) Evidence of demand;
 - b) Innovation;
 - c) Sustainability and risk;
 - d) Value for money;
 - e) Creation of jobs;
 - f) Environmental and health impact;
 - g) E-commerce;
 - h) Urban renewal; and
 - i) Touristic or reputational value.

Completed applications will need to be addressed and submitted to the GBNS at the Ministry of Business and Employment, Suite 735, Floor 3, Europort, Gibraltar, GX11 1AA. Applications may also be submitted to the Business Support Unit by email, however, hard copies of the application will need to be handed in by applicants who reach the interview stage.

For further information please contact the Business Support Unit on 20065396 or via email at business.support@gibraltar.gov.gi.

375 **Mr Speaker:** This schedule is about two pages long. I think we will move on to other questions, but I will give the hon. Member an opportunity to come back to it if he so wishes later. Okay?

Q279/2015
Factory inspectors –
Predominance of inspections in construction industry

Mr Speaker: Question 279.

Acting Clerk: Question 279/2015, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, has the Minister for Health & Safety an explanation as to why the factory inspectors have an almost exclusive predominance of inspections of the construction industry group every month of every year?

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the focus of inspection on the construction industry by the Health & Safety inspectorate is due to the high number of construction projects.

Hon. J J Netto: Mr Speaker, that is almost a verbatim answer given to me about 18 months ago by the Hon. Mr Bossano when he actually had the responsibility for Health & Safety – (*Interjection*) But the fact is that that particular answer then or now is not borne out – (*Interjections*) by that particular statement now or even 18 months ago is not borne out by the figures produced by the factory inspectors themselves all the way through since the commencement of this term of office.

Even if we look at the first four months of the year – January, February, March and April – we can see that that cannot be the reason why 95% or 98% of the time of the factory inspectors should be concerned only and exclusively with the construction industry as such at the expense of other industry groups. Because if you were to look at those particular four months of the year in relation to just, say, improvement notices, well there has been no improvement notices in the construction industry. There have been two – which I will come back to in the next question here – about prohibition notices. So therefore there was not even as a result of all those inspections a need to put so many improvement notices.

Also, in relation to occupational reportable accidents as well, if you look at the figures, despite all those amount of inspections, it just does not tally at all. The only sensible and logical explanation, which is one that I have said to various Government Ministers for this, is that the factory inspectors themselves are coming, from their own background and their own experience, from the construction industry and they tend to have this predominance to inspect only the construction industry. Of course there are construction sites that need to be monitored and I am not suggesting now that they should not do it. Of course they should continue to do it and of course they should continue to do it in other industries, like the ship building industry, which also happens to have a higher incidence of accidents as well.

But what is not right, and what is required from a policy point of view is to have a more balanced, accurate number of monitoring and inspection throughout the entire industry group and not just the construction industry group. Unfortunately – and I welcome very much the fact that the hon. Member opposite is the new Minister for Health & Safety, and this is the question – this really needs to be looked into. The Minister needs to look at the figures and obviously have a new policy, which is far fairer to all the industry groups.

Hon. N F Costa: Mr Speaker, if the hon. Gentleman will recall, because he does ask me this in a further question, I have told him that it is my view, as Minister, that there should be a more balanced approach to the inspections carried out by the Health & Safety Inspectorate. I have also told him that in that endeavour, I am seeking to resource better the Health & Safety Inspectorate and also arrive at a policy document, which is a policy document that the Health & Safety Inspectorate is working on, along with Unite the Union and the Health & Safety Committee.

As the hon. Gentleman will be aware, Health & Safety in legislation is quite significant. What the hon. Gentleman should bear in mind is that the Health & Safety legislation in Gibraltar is being complied with and it is being complied with by the Health & Safety Inspectorate. What the Government seeks to do is better equip the Health & Safety Inspectorate and come to a policy statement, which is not required under the law, but a policy statement nonetheless, which does take into account the points that the hon. Gentleman does raise with me, which he did raise with me and with which I agree, except that I have only been conducting this job since December.

I have already held two meetings of this Health & Safety Committee, which is represented by Unite the Union and also members of other Government Departments, and whereas we have already looked at two drafts – two policy document drafts that we are looking at – it will not be the sort of thing that can be done in night follows day; it will have to be a bit in slower order, and that will happen in due course. But I am not yet in a position where I am able to give him a concluded and finalised policy document, but he should rest easy in knowing that the process of better resourcing the Health & Safety Inspectorate is actually happening as I stand. We are looking at filling in the vacancy of principal health & safety officer, which if it is taken by one of the health & safety inspectors would mean that a Health & Safety Inspector vacancy will arise.

So it is a work in progress and we will arrive at the point where the hon. Gentleman, I hope, will be satisfied that the Government does as much as it can do, but what he should know definitely at this point is

that as we are trying to better our game as it were, we are satisfied that the legislation, the factories legislation is being adhered to be the Health & Safety Inspectorate.

Q280/2015
Health & Safety –
Correct 2012 figures on Government website

Mr Speaker: Next question.

445 **Acting Clerk:** Question 280/2015, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety request that someone correct the true historical figures in the Government website in relation to the Health & Safety for 2012, as in the tables shown it has the 2013 figures, something which, of course, is reproduced once again in 2013?

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Acting Clerk: Answer, the Hon. the Minister for Business & Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the historical figures in relation to Health & Safety for 2012 have now been updated by the Statistics Office, which is the Government Department responsible for the accurate and correct posting of statistical data.

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I now hand over to the hon. Gentleman the information that he requested.

Schedule to Question no. 280

Table HS.1

Monitoring Activities, 2012

Industry Sector	December							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	2	-	-	2
Construction	-	-	1	9	5	-	-	15
Education	-	-	-	-	2	-	-	2
Electricity Supply/Related	-	-	-	1	-	-	-	1
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	1	-	-	-	-	-	-	1
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	1	-	-	-	-	-	-	1
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	1	1	-	-	2
Repairs Consumer Goods	-	-	-	-	1	-	-	1
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	2	-	-	-	2
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	2	-	-	1	1	-	-	4
Total	4	-	1	14	12	-	-	31

Updated 2 January 2013

Source: Ministry for Traffic, Health & Safety and Technical Services

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Schedule to Question no. 280

Industry Sector	November							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	7	8	-	-	15
Construction	3	2	5	6	-	-	1	17
Education	1	-	-	6	7	-	-	14
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	1	1	-	-	-	-	2
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	1	-	-	1	1	-	-	3
Repairs Consumer Goods	-	-	-	3	7	-	-	10
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	1	1	-	2	4	-	-	8
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	2	4	-	-	6
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	2	5	-	1	8
Total	6	4	6	29	36	-	2	83

Updated 6 December 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

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Schedule to Question no. 280

Industry Sector	October							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	2	-	2	-	-	-	4
Construction	1	-	1	12	-	-	-	14
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	1	-	-	1
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	7	-	7	1	-	-	15
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	2	1	-	4	-	-	-	7
Police, Security, Fire Services	-	-	-	1	-	-	-	1
Post & Communications	-	-	-	1	-	-	-	1
Public Admin & Natl Defence	2	-	-	-	-	-	-	2
Repairs Consumer Goods	-	1	-	13	3	-	-	17
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	2	-	5	2	-	-	9
Road Transport Related	-	-	-	6	-	-	-	6
Sanitary Services	-	-	-	2	-	-	-	2
Sea Transport Related	1	-	-	10	-	-	-	11
Shipbuilding/Marine Repairs	-	-	-	1	-	-	-	1
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	1	3	-	14	4	-	-	22
Total	7	16	1	78	11	-	-	113

Updated 15 November 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

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Schedule to Question no. 280

Industry Sector	September							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	-	-	1	4	-	-	-	5
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	1	1	-	-	2
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	1	-	-	-	1
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	1	1	-	-	2
Public Admin & Natl Defence	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	4	-	-	-	4
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	1	-	3	4	-	-	8
Road Transport Related	-	-	-	4	1	-	-	5
Sanitary Services	-	-	-	1	2	-	-	3
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	5	3	-	-	8

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Industry Sector	August							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	1	-	-	-	1
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	-	-	2	12	12	-	-	26
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	1	-	-	1	-	-	-	2
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	1	-	-	-	-	-	-	1
Repairs Consumer Goods	-	-	-	1	-	-	-	1
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	1	3	1	-	-	5
Road Transport Related	-	-	-	3	6	-	-	9
Sanitary Services	-	-	-	-	1	-	-	1
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	2	2	-	-	4

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Industry Sector	July							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	2	-	4	8	1	-	-	15
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	1	-	-	-	1
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	1	-	-	-	1
Road Transport Related	-	-	-	-	1	-	-	1
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	2	3	-	-	5
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	4	-	-	-	4

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Schedule to Question no. 280

Industry Sector	June							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	2	-	5	22	13	-	-	42
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	1	1	-	-	2
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	1	-	-	1
Shipbuilding/Marine Repairs	-	-	-	1	-	-	-	1
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-

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Schedule to Question no. 280

Industry Sector	April							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	1	1	-	-	2
Construction	1	-	1	7	9	-	-	18
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	1	-	-	1	-	-	-	2
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	1	-	-	-	1
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	1	-	-	-	1	-	-	2
Retail Trade	-	-	-	1	-	-	-	1
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-

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Schedule to Question no. 280

Industry Sector	March							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	6	-	3	17	9	-	-	35
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	3	-	-	3
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-

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Schedule to Question no. 280

Industry Sector	February							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	-	-	1	8	20	-	-	29
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	1	-	-	-	-	-	-	1
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	1	-	-	-	-	-	-	1
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	2	-	-	-	-	-	-	2
Road Transport Related	-	2	-	-	-	-	-	2
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-

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Schedule to Question no. 280

Industry Sector	January							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	1	-	2	3	8	-	-	14
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	1	-	-	-	-	1
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
Total	1	-	3	3	8	-	-	15

Updated 15 November 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

Schedule to Question no. 280

Table HS.2

Occupational Reportable Accidents, 2012

Industry Sector	November			December		
	Minor	Major	Fatal	Minor	Major	Fatal
Air Transport Related	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-
Construction	4	-	-	1	-	-
Education	-	-	-	-	-	-
Electricity Supply/Related	1	-	-	-	-	-
Horticulture	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-
Police, Security, Fire Services	1	-	-	-	-	-
Post & Communications	-	-	-	-	-	-
Public Admin & Natl Defence	1	-	-	1	-	-
Repairs Consumer Goods	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-
Sanitary Services	1	-	-	1	-	-
Sea Transport Related	1	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-
Wholesale Trade	1	-	-	-	-	-
Total	10	-	-	3	-	-

*Updated 2 January 2013**Source: Ministry for Traffic, Health & Safety and Technical Services*

CONT.....

Schedule to Question no. 280

Industry Sector	June			July			August			September			October		
	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal
Air Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Construction	4	-	-	3	-	-	4	-	-	3	-	-	5	-	-
Education	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	1	-	1	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Police, Security, Fire Services	1	-	-	-	2	-	1	-	-	-	-	-	4	-	-
Post & Communications	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	1	-	-	-	-	-	2	1	-	2	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	1	-	-	3	1	-	1	-	-	1	-	-	-	-	-
Water Supply/Related	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-
Wholesale Trade	4	-	-	1	-	-	1	-	-	-	-	-	-	-	-
Total	11	-	-	10	4	-	10	1	-	8	1	-	11	-	-

Updated 6 December 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

CONT.....

Schedule to Question no. 280

Industry Sector	January			February			March			April			May		
	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal
Air Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Construction	2	1	-	2	-	-	2	-	-	6	1	-	6	2	-
Education	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-
Hotel Trade	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-
Post & Communications	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	1	-	-	2	-	-	-	-	-	-	-	-	1	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sanitary Services	2	-	-	-	-	-	-	-	-	-	1	-	1	-	-
Sea Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	2	-	-	1	-	-	1	-	-	2	-	-	2	2	-
Water Supply/Related	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	9	1	-	5	-	-	4	-	-	9	2	-	12	4	-

Updated 4 July 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

Schedule to Question no. 280

Table HS.3

Enforcement Activities, 2012

Industry Sector	Prohibition/Improvement Notices Served			
	November		December	
	PN	IM	PN	IM
Air Transport Related	-	-	-	-
Bank, Finance, Insurance	-	7	-	-
Construction	-	-	-	-
Education	-	3	-	-
Electricity Supply/Related	-	-	-	-
Horticulture	-	-	-	-
Hotel Trade	-	-	-	-
Manufacture	-	-	-	-
Medical & Health Services	-	-	-	-
Police, Security, Fire Services	-	-	-	-
Post & Communications	-	-	-	-
Public Admin & Natl Defence	-	1	-	-
Repairs Consumer Goods	-	2	-	-
Restaurants, Bar etc	-	-	-	-
Retail Trade	-	1	-	-
Road Transport Related	-	-	-	-
Sanitary Services	-	-	-	-
Sea Transport Related	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-
Water Supply/Related	-	-	-	-
Wholesale Trade	-	-	-	-
Total	-	14	-	-

*Updated 2 January 2013**Source: Ministry for Traffic, Health & Safety and Technical Services***CONT.....**

Schedule to Question no. 280

Industry Sector	Prohibition/Improvement Notices Served									
	June		July		August		September		October	
	PN	IM	PN	IM	PN	IM	PN	IM	PN	IM
Air Transport Related	-	-	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-	-	2
Construction	1	-	1	-	1	5	-	-	-	-
Education	-	-	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-	-	7
Manufacture	-	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	1	-	-	-	1
Police, Security, Fire Services	-	-	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	1	-	1	-	-	-	1
Restaurants, Bar etc	-	-	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	4	-	2	1	2
Road Transport Related	-	-	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	1	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	3	-	1	1	1	-	3
Total	1	-	1	5	1	12	1	3	1	16

Updated 5 November 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

CONT.....

Schedule to Question no. 280

Industry Sector	Prohibition/Improvement Notices Served									
	January		February		March		April		May	
	PN	IM	PN	IM	PN	IM	PN	IM	PN	IM
Air Transport Related	-	-	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-	-	-
Construction	1	-	-	-	-	-	-	-	1	-
Education	-	-	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	1	-	-	-
Retail Trade	-	-	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-	-	-
Total	1	-	-	-	-	-	1	-	1	-

Updated 4 July 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

Schedule to Question no. 280

Table HS.4

Number of times legal advice has been sought during the month
in relation to the number of inspections conducted

As at	Advice
June 2012	-
July 2012	-
August 2012	-
September 2012	-
October 2012	-
November 2012	-
December 2012	-

Total	-
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Updated 2 January 2013

Source: Ministry for Traffic, Health & Safety and Technical Services

Schedule to Question no. 280

Table HS.5

Reasons for Factories Inspectors issuing Improvement and Prohibition notices

As at	Industry Sector	Improvement Notices	Prohibition Notices	Reason
31 December 2012	-	-	-	-
30 November 2012	Bank, Finance, Insurance	7	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Education	3	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Public Admin & National Defence	1	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Repairs Consumer Goods	2	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Retail Trade	1	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
31 October 2012	Bank, Finance, Insurance	2	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Hotel Trade	7	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Medical & Health Services	1	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Public Admin & National Defence	-	1	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Repairs Consumer Goods	1	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Retail Trade	2	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Wholesale Trade	3	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
30 September 2012	Retail Trade	2	-	Issued for offences committed against the Factories Regulations. Lifting Operations and Lifting Equipment Regulations
	Wholesale Trade	1	1	Issued for offences committed against the Factories Regulations. Lifting Operations and Lifting Equipment Regulations
30 August 2012	Construction	5	1	Issued for offences committed against the Factories Regulations. Work at Heights

Updated 2 January 2013

Source: Ministry for Traffic, Health & Safety and Technical Services

I have once again, Mr Speaker, impressed on my Ministry staff that the information has to be posted and available for the hon. Gentleman before the deadline when he poses his questions, and I am assured – although I did assure him at the last session –once again that by the next session of Parliament he will certainly have the uploaded information in good time for his questions.

Q281/2015
Health & Safety –
Statistics for April 2015

460 **Mr Speaker:** Question 281.

Acting Clerk: Question 281/2015, the Hon. J J Netto.

465 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety please provide the Health & Safety statistics for the month of April 2015, as these were not available in the Government website at the time of submitting questions to Parliament? Obviously he has already acknowledged that and even provided me the information.

I have to say that subsequent to actually putting the questions to Parliament, I saw it on the website and so I did print it out. Therefore I have had some time now to have a look at it, Mr Speaker, and, if possible, there are some supplementary questions that I would like to ask – although before doing that, perhaps the Minister would want to say something.

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

475 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I now hand over to the hon. Gentleman the information requested.

SCHEDULE TO QUESTION NO.281

Table HS.1

Monitoring Activities, 2015

Industry Sector	April							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	2	7	1	18	-	-	16	44
Education	1	-	2	-	-	-	-	3
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	1	-	-	-	-	-	1
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	1	-	-	-	-	-	1
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	1	-	-	-	1
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	1	-	-	-	1
Wholesale Trade	-	-	-	-	-	-	-	-
Total	3	9	3	20	-	-	16	51

Updated 11 May 2015

Source: Ministry for Business and Employment

Mr Speaker: This is not a very lengthy schedule. We can move on and then the Hon. Member can come back.

480 **Hon. J J Netto:** Mr Speaker –

Mr Speaker: You have it. Did you say you have it?

485 **Hon J J Netto:** I have it from yesterday, which I printed out, and so there are a number of issues there which I would like further information from the Minister, if possible at all.

The first supplementary question I would like to ask is on the table, and that is HS2 on occupational reportable accidents, so he can have that in front of him. I notice that there are two major accidents that happened in the month of April: one in the air transport-related industry group and the other one in the construction industry. Given that we are talking about major accidents, I would not be bothering him on
490 minor accidents, but as these are major accidents, does the Minister have in front of him some kind of details as to the nature of those major accidents?

Hon. N F Costa: Mr Speaker, unfortunately I do not. If the hon. Gentleman wants to ask me details about them, he can either write to me or he can ask me again at the next session of Parliament where I will
495 come armed with that information.

Also, just to add, Mr Speaker, that the hon. Gentleman will have seen that the information was actually uploaded on the day that he filed the question, which of course was no good to him. Again, just to impress that the information will be uploaded before he asks questions next time.

500 **Hon J J Netto:** That is fine, Mr Speaker. If he has not got the information in front of him then I will write to him and I am sure I will get an answer.

Moving on to another supplementary question, Mr Speaker, that is the table HS3, the one on enforcement activities, I notice that there was a prohibition notice being served in the construction industry. In the next table which is HS5, that provides the reasons why the factory inspector does issue either a
505 prohibition notice or improvement notice. In this case, when we look at the prohibition notice being issued in April, it says:

‘The company failed to provide cdm notification of project, asbestos survey, risk assessment, method statement, health & safety plan.’

510 Could I ask in the circumstances of the short statement made there, whether the Minister is aware that such copies had not been produced and that the actual company did start works, notwithstanding the fact that they had not produced these items there to the factory inspector? Is that a correct statement to make?

Hon. N F Costa: Mr Speaker, the hon. Gentleman knows that if he were to ask me questions before Parliament, I always come ready to answer his questions. But without notice on what it is that he is going to
515 pick from, given the amount of information in these sheets, I do not come prepared for every single eventuality. So the hon. Gentleman can either, once again, write to me, or if he wants to ask me orally in Parliament, as of course is his right, then he can do so and I will come so prepared.

520 **Hon J J Netto:** Mr Speaker, the questions are –

Mr Speaker: The problem is that you have asked Question 281. There is a schedule attached to that question which is the information apparently that you were seeking, but now you seem to be asking from
525 various other sources which you have, which nobody else and which I certainly have not got here in front of me, and it is very confusing.

Hon. J J Netto: I am afraid it is not from any other schedule that I have available because the information I have is information that is on the website, and that the Minister has.

All I am trying to do is to try and dig a bit deeper from the actual information there for me to be able to have a proper knowledge of what is going on.
530

Mr Speaker: But your question is about the statistics for the month of April 2015.

Hon. J J Netto: Yes, and the supplementaries as well. Am I not allowed to ask supplementary questions?

535 **Mr Speaker:** Let's see if we can make progress. Carry on.

Hon. N F Costa: Mr Speaker, the hon. Gentleman knows that when he gives me notice of a question, I do not only just come prepared literally with the question that he asks, but I come as prepared laterally and as much as I can.

540 Given that the Health & Safety Inspectorate website does contain so many statistics and he could literally pick any statistic out of many pages and ask me specific details on any one of them, it is not, I think... not fair, but it would be very hard for me to be able to guess on any particular session which one statistic from many pages of statistics he will choose to concentrate.

545 Now, the hon. Gentleman is absolutely right to be able to ask me any question he sees fit on any of those statistics and I will be delighted to come to this House fully prepared to answer them – but without notice, I am afraid he does expect me –

Mr Speaker: Such a question must be put on the Order Paper.

550 **Hon. D A Feetham:** Mr Speaker, that is not what he is saying. The Hon. Minister is actually being very reasonable about it. What he is saying is the Hon. Shadow Minister is perfectly entitled to ask the supplementary that he is asking, because it arises out of the question (*Interjection*) and unfortunately, because of the *volume* of the information that I have provided in the original Answer, it is not possible for me to come prepared to deal with *every* eventuality. The Hon. the Minister has offered either to answer that supplementary if it is put in the next Order Paper, for the next session, or alternatively, if the Hon. Shadow Minister writes to him and he will provide the information.

I think that ought to be acceptable to Mr Netto. But it is not right to say that it is an out of order supplementary, because it is not an out of order supplementary.

560 **Mr Speaker:** No, I never said it was out of order. I have said precisely what you have said, that one alternative is to put it on the Order Paper for the next meeting of Parliament. That is what I said... *[Inaudible]*

Q282/2015
Accidents at work during 2012-14 –
Number of working days lost

Acting Clerk: Question 282/2015, the Hon. J J Netto.

565 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety provide the number of working days lost through accidents at work during 2012, 2013 and 2014, broken down by months, sex, industry group and cost?

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

570 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, the information requested on lost time by accidents has never been held by the Health & Safety Inspectorate.

575 **Hon. J J Netto:** In actual fact, Mr Speaker, that is not correct. Let me just inform him that when the GSD got into Government in May 1996 and I was the Minister for Health & Safety, amongst other responsibilities, we started producing an annual report and it has to be said that that annual report subsequent to the second term of office of the GSD did not continue to be produced. But if he actually goes through the annual report during the period upon which I was the Minister responsible for Health & Safety, within the statistics produced for the annual report it did provide the numbers of hours and days lost as a result of accidents at work.

580 Further to this, I can tell you that the reason that the factory inspectors were able to collate the information was because they had, then, an excellent working relationship with the Department of Social Security, and in fact it was the Civil Service in the Social Security that were continuously passing information to the factory inspectors, who then looked at information and put it in the annual report. So it has been done, although it has to be said it is a practice that was not followed once I left my first term of office.

So could I then put it in the form of a question, which is: can I ask the Minister to have a word with his staff to check that what I am saying is correct, that the information *can* be made available by restoring perhaps that historical link between the factory inspectors and the Social Security Department?

Hon. N F Costa: Mr Speaker, if I have understood the hon. Gentleman correctly, he says to me that this report ceased to be built when he stopped being the Minister for Health & Safety. (*Interjections*)

A Member: In his first term.

Hon. J J Netto: Will you give way?

Hon. N F Costa: Yes, of course.

Hon. J J Netto: My understanding is we got into Government in May 1996 and soon after that, whether it was the first year, the second year or that term of office, we started publishing annual reports for Health & Safety. Within the statistics there was information about the numbers of days lost as a result of accidents at work. Now how the factory inspectors managed to get the information was by having a very close working relationship with the Civil Service in the Department of Social Security.

My understanding is that after the first term of office, I moved on to other responsibilities and for whatever reason, I do not know why, the annual report ceased to be published in subsequent years. So obviously the information was not provided any more. Now I am asking the question because time has moved on.

What I would like to see, which is consistent with a lot of places, particularly in Europe and elsewhere, is to have available this kind of information which will be good for everyone, not just for us, but for employers, for trade unions, for statisticians, who specialise in looking to see whether there is a tendency of accidents in a particular industry and for what reasons, and that requests further policy decisions which apply in this particular area. So my question is if it has not been done, could the Minister have a word with his staff to see whether that historical relationship with the Social Security Department can be restored for the purposes of producing this kind of statistic? That is my supplementary question.

Hon. N F Costa: So, Mr Speaker, in other words, the hon. Gentleman did know that these figures were not being produced, because by his own admission they ceased to be produced as from 2000, but yet he asks me whether I am keeping them. A lesser charitable mind would think that he was being cheeky, but I am not less charitable in mind (**A Member:** Cheeky!) and therefore will actually think that the question is asked in a *bona fide* way, even though it is clearly the case that he knew that those figures had not been produced since 2000.

Given that we are in the process of correcting each other, let me tell him that he was never the Minister for Health & Safety, because I have got the *Gazette* since 1996 and we were the first Government to have a Minister for Health & Safety. (*Laughter and banging on desks*)

Hon. J J Netto: Mr Speaker, there is nothing cheeky at all about this. (*Laughter*) I think I have been very reasonable. This is information that was being provided for some years between 1996 and 2000. It subsequently stopped from being used, for whatever reasons. I have a perfectly legitimate responsibility –

Mr Speaker: Will you please ask the question.

Hon. J J Netto: Mr Speaker, the question is: will he be able to go and try and restore that relationship with his Social Security Department – yes or no?

Hon. N F Costa: Well, Mr Speaker, I have no idea whether I could restore something which I never knew existed or how it worked, but if I were to stick strictly to the question that he asks me, as to whether we know the time that is lost by accidents, actually I do find the underlying question a useful one and it is something that I have intended to raise with the Hon. Minister Joe Bossano to see whether that is something that we could do.

Q283/2015
Health & Safety Inspectorate –
Codes of Practice

Acting Clerk: Question 283/2015, the Hon. J J Netto.

645 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety say how many Codes of Practice in Health & Safety have been created during the term of office of this Government; and, if so, inform Parliament of the subject matter and provide Parliament with a copy of such?

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

650 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I am informed that the Codes of Practice created by the Health & Safety Inspectorate are the same as those created previously, which are that the Health & Safety Inspectorate do not create Codes of Practice.

Government has, however, already formed a working group with Unite the Union to accelerate work in this respect. Draft policies have already been developed and are now in the process of being finalised before being published. This is anticipated to be during the latter half of this year.

Q284/2015
Future Job Strategy –
Health & Safety courses for trainees

655 **Acting Clerk:** Question 284/2015, the Hon. J J Netto.

660 **Hon. J J Netto:** Mr Speaker, can the Minister for Employment and Health & Safety state the names of courses on Health & Safety to Future Job Strategy trainees during this Government term of office, other than the Introduction to Health & Safety in Construction Sites, stating the name of the training provider in each case, the type of training provided and the cost of providing such training?

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

665 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, Future Job Strategy trainees often work outside Government sites with third party entities. When they work on Government property, the Health & Safety training provided would depend on the type of work that they do. The questioner would therefore need to be more specific for a meaningful answer to be possible.

670 **Hon. J J Netto:** Can I deduce in some kind of sensible way that perhaps there is not any information available in his Department in relation to any particular type of training, other than, of course, the introduction to health and safety in construction sites which is being delivered by the factory inspectors when trainees are seconded to another employer which does not happen to be in the public sector? Is that a correct statement?

675 **Hon. N F Costa:** Mr Speaker, let me remind him of a similar question/answer session that occurred in May and June 2013 where the Hon. Mr Netto asks the same question to my colleague, Minister Bossano. In effect, once again the Minister Bossano replies that:

‘The employment training company does not undertake any work itself; its employees are placed with training providers who give them the health and safety training as they give the rest of the staff in the same work environment.’

680 In June 2013, in a further question by the hon. Gentleman on the same topic, Minister Bossano explains to the hon. Gentleman that:

‘Training providers are not required to report to the employment service the nature of the health and safety training that they give to their employees.’

685 **Hon. J J Netto:** But do I take it that when the trainees are seconded out to an employer in the private sector neither the employer who is accepting the trainee nor the trainee itself fills in some kind of

documentation as to the details of what he is doing, what sort of training had been provided... employer and that information is then not forwarded to the Department of Employment to be able to look at which particular employers do provide excellent types of training in certain fields but other employers do not provide any training at all? I mean that information is not being fed either way – is that a correct assessment?

Hon. N F Costa: Mr Speaker, the answers that I have provided to the hon. Gentleman are the answers that I have just read out to him from previous sessions of Parliament and the Answer that I gave him today. I am answering this Question given that the hon. Minister Bossano is away from Gibraltar. The Question relates specifically as to the training provided to future job strategy trainees and therefore, given that it is not my area of responsibility, I cannot be more specific than the answers that I have given him already.

Hon. D J Bossino: Can I ask the Minister a general point that I really want to get off my chest and it is this: why is it that he is not responsible for training, because I think his formal title includes the word ‘skills’ and I would have thought that would have included training?

Can he provide an explanation as to why it is that the Hon. Mr Bossano has kept that responsibility and he has not taken over that as a result of the reshuffle? Something, I might add, that I would have warmly welcomed, as he knows from comments that I made in the press.

Chief Minister (Hon. F R Picardo): Mr Speaker, who the hon. Gentleman might warmly welcome to look after a portfolio or does not look after a portfolio is unfortunately, at the moment at least, not an issue of great constitutional importance, but who I warmly welcome should be dealing with a particular portfolio is what the Constitution determines should see the light of day.

Therefore, I determine that Economic Development and Training were better portfolio partners than Employment and Training, and for that reason, at the time of the reshuffle I decided that we should marry those two portfolios together.

Hon. D J Bossino: Mr Speaker, of course the Hon. Chief Minister is absolutely right in what he has just said, but the point really related to... I did not appreciate, in fact, that Training also forms, formally, part of the Hon. Mr Bossano’s responsibilities, but the point related to the fact that the Hon. the Chief Minister has assigned responsibilities in relation to skills to the hon. Minister who is now answering the questions and I would ask the hon. Minister to explain to this House what responsibilities would go under that particular word ‘skills’ if Training is being handled by the Hon. Mr Bossano?

Hon. Chief Minister: Mr Speaker, I think it is me who should answer because – (*Interjection*) But I decided what job he should do, right? The reasoning is this, Mr Speaker, that training is about getting people into the role of an economically active member of the job market, and then development of skills is about moving within the job market.

I do not know whether that is something the hon. Member can see a distinction in; so getting people in as economically active actors – training – and then developing them – skills honing. That is really the type of spin that the hon. Gentleman is dealing with – the turning of already active economic actors into more efficient economic actors, to enable people to promote and develop themselves and aspire to more. That is really what the area of Employment is going to be looking at, as opposed to the area of Training.

Hon. D J Bossino: I am not quite sure I follow.

Hon. D A Feetham: Yes, Mr Speaker, my colleague, Mr Bossino, says, ‘I am not sure that I follow,’ and I am not sure that anybody has followed that. I mean ‘spin’ probably is the operative word. The reality here is that the Hon. the Chief Minister has probably not wanted to denude Mr Bossano of Training because that would have caused an explosion in the Government ranks from here to Madrid. That is the reality.

But what I am interested in, Mr Speaker, is how does the hon. Gentleman’s Department – and I am talking about the Minister for Employment – actually keep track of whether our youngsters are being properly trained or they are not being properly trained?

Hon J J Netto: Exactly. That is the point.

Hon. D A Feetham: Because, on the one hand, effectively, you have training responsibility of another Department and, on the other, in answer to questions by Mr Netto, there appears to be no monitoring by the hon. Gentleman’s Department of whether people were being properly trained or they are not being properly trained – whether they are obtaining the skills necessary to equip them for the future or not – and I just ask the hon. Gentleman to perhaps explain that.

Hon. Chief Minister: Mr Speaker, the Hon. Leader of the Opposition is superb, excellent –

Mr Speaker: May I warn the Chief Minister that I am not going to allow a debate on training?

Hon. Chief Minister: Thank you very much, Mr Speaker... superb, excellent, brilliant, not at politics but at writing fiction – at writing the fiction that puts him in my mind at the time of a reshuffle and determines that I do or do not do things because I am going to cause or not cause explosions. As if that mattered to the *primus inter pares* when he is deciding who should be doing what. As if that mattered when you are reshuffling a Cabinet!

But, look, given that he has never had and is unlikely ever to have the opportunity to reshuffle anything other than a deck of cards, he may only ever be left in the position of writing the fiction of such narrative for what might be a very interesting novel on how he sees politics.

But, of course, Mr Speaker, on this side of the House when we are in Government what we do is very collegiate, it is very open, it involves a lot of exchange of information and meetings every Monday where we all talk about the issues that we are dealing with together. It is called Cabinet Government, Mr Speaker – collective responsibility. It is actually a lot of fun.

You can go to the office on a Monday morning and look forward to meeting your colleagues and the work you are going to do together and the experiences you are going to share; and what has gone right and what has gone wrong and how we are going to fix it, Mr Speaker. And that is how we all, not monitor but exchange with each other progress in all particular areas of policy. That is why we have been able to deliver so much of what they used to call ‘an impossible to deliver manifesto’.

That is how one Minister knows what is happening with the other. Because it is not just that the Minister for Employment might want to know what is happening with training. He seems to suggest that if the Minister for Employment is not the Minister also for Training then he cannot monitor what is happening. Well, Mr Speaker, the Minister for Social Services deals with cases that sometimes require the input of the Department of Health and, short of giving John Cortes even more responsibility, it would be impossible unless they had a very good and open relationship for them to know what is happening in one or the other and Joe Bossano and Neil Costa have an excellent relationship, as have all the 10 Ministers sitting around this table when we sit round the Cabinet table.

That is how we know what is happening. That is how we monitor, not with explosions of either tanks full of diesel that people want to pretend are LNG (*Laughter*) or the motions, but real collegiate Cabinet Government. I know that he cannot imagine what that might be like but, believe me, it works.

Hon. D A Feetham: Mr Speaker –

Mr Speaker: This is the last supplementary I am allowing.

Hon. D A Feetham: Mr Speaker –

Mr Speaker: Provided of course it is relevant. If it is not relevant I will move on.

Hon. D A Feetham: Mr Speaker, of course it is relevant. Of course it is relevant. Mr Speaker, it is going to be relevant but may I say before I ask my question... it is called ‘actually I am the father of my party and be careful with me or you will get the political bullet!’ That is what it is called!

Mr Speaker, he has not answered the question and perhaps he may allow the Minister for Employment to answer what is an important question. How does his Department monitor a situation in terms of ensuring that those trainees that are out there supposedly getting trained and being equipped with the skills of tomorrow are actually being equipped, because there is nothing that the hon. Gentleman has said that has alleviated any concerns that we may have as to the acquisition (*Interjection*) of those skills and indeed, as I am told, he has not even answered the question, but I am giving him the opportunity. (*Interjection and laughter*)

Hon. Chief Minister: Mr Speaker, I am going to rise to deal with the first part of the hon. Gentleman’s question and I am going to do so without having to point to the hon. Minister for Employment and shush him down and tell him to, ‘Just shut up!’ as – I simply recall every time I see him opposite me – was the way he was so humiliatingly put down by Sir Peter Caruana who was the Chief Minister at the time here. (*Interjection*) Yes.

Unfortunately, Mr Speaker, (*Interjections and laughter*) there is not a video because at that time they would not allow cameras into the House. Second – unfortunately, Mr Speaker, it is indelibly forever recorded in my mind because to have seen a Minister for Justice subjected to such humiliation is something that any parliamentarian will forever remember.

But, without having to do that, Mr Speaker, I rise only... and perhaps it is not even recorded in the *Hansard*, because of course this was done with the microphones off. This was an embarrassment for all those who were here to see... but, anyway, those of us who were here and he knows it, Mr Speaker, or he is in such absolute denial that he had better go and see someone about it.

But, Mr Speaker, without having to do any of that, I rise to say that the hon. Gentleman has started his question with a preface that is really quite beneath even his parliamentary style. He has attempted to interpret somebody's accent in a way that is obviously designed to be derogatory. He has attempted to pronounce the English language in a way which is incorrect, which is clearly designed to be derogatory, and, Mr Speaker, he does that of a man who has the most fabulous track record of service to this community since the year that I and some Members opposite were born. I would say, Mr Speaker, that we advance the needs of this community much better in this House when we avoid that unnecessary deprecation of each other and we concentrate on the issues that matter.

But for the rest of it, Mr Speaker, instead of shushing him and telling him to shut up, as was the case on the other side when they were here, what I will say is that I will be very pleased to see my Minister arise and give the answer, which would simply be to reflect again what I have told him before about Cabinet Government and how we all work constantly together. So arise, Neil Costa.

Q285-287/2015

Health and Safety policy –

New committees, review of the Inspectorate team, updated inspection plan

Mr Speaker: Question 285.

Acting Clerk: Question 285/2015, the Hon. J J Netto.

Hon. J J Netto: Notice how the Chief Minister never answered the Question before?

Anyway, can the Minister for Health and Safety state if new Health and Safety Committees have now emerged in Government Department authorities and agencies and Government-owned companies, other than the existing one of the GHA during the term of office of the present Government and, if so, please state where and when?

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

The Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I will answer this Question together with Questions 286 and 287.

Acting Clerk: Question 286/2015, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety please state if any review or reviews of the Health and Safety Inspectorate team, the current legislation, its policies and procedures have been carried out since December 2011, insofar as it applies to private sector and Government organisations and, if so, provide Parliament with a copy of the review or reviews?

Acting Clerk: Question 287/2015, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer given to Question 5/2015, can the Minister for Health and Safety provide an update to the plan alluded by himself in relation to the need to have a more balanced approach to inspections across all industry groups, and in terms of infrastructure and human resources that may be required as a result of such a plan?

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

The Minister for Business and Employment (Hon. N F Costa): Mr Speaker, at present the Government is looking at introducing a comprehensive health and safety policy with a statement of intent which, although not compulsory by virtue of our domestic legislation, is a move towards best practice and one which will give uniformity to health and safety within the Government Departments by way of a structure of committees, representatives, councils and co-ordinators.

This will, in due course, extend to authorities, agencies and Government-owned companies. A review of the health and safety strategy, staff complement and resources is currently being undertaken. It is critical to

note that health and safety policies and procedures are in line with the provisions of the law and that current legislation satisfies health and safety requirements.

Q288/2015

**Institute of Occupational Safety and Health UK –
Sudden branch closure**

Acting Clerk: Question 288/2015, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, is the Minister for Health and Safety aware of the sudden and unilateral way in which IOSH UK has taken a decision to remove the local branch from its associate membership and whether the hon. Member will use his good office to assist the local branch and regain the link to IOSH UK, given the benefits accrued to professionals, trade unionists and employers alike, from such a membership?

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Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

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The Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I am aware that the Gibraltar associate branch of the Institute of Occupational Safety and Health, IOSH, has been closed. I understand this to be an irreversible decision taken by the head office of IOSH in the United Kingdom.

The closure of the Gibraltar branch is obviously a blow after the hard work of the local branch. The Health and Safety Inspectorate advise me that the closure does in no way affect the day-to-day running of the Health and Safety Inspectorate. Nevertheless, I am informed that the national members of IOSH will be seeking membership of the International Institute of Risk Safety Management, IIRSM, which is another accredited UK professional body on health and safety.

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In seeking membership of the IIRSM, the national members of IOSH will of course enjoy the full support of Her Majesty's Government of Gibraltar.

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Hon. J J Netto: Well, obviously a pity in relation that it is a decision which they are not prepared to reconsider, given, as the Minister has quite rightly says, the effort being made by the local branch. It is regrettable but there we are.

I take note of the fact that the local branch is now looking at alternative bodies to be able to enjoy the kind of support that they used to have in the past with IOSH UK. We just hope that that proceeds as well as possible and that all professionals in the field and trade unionists and employers alike can be able to benefit as it did before. So I would just like to wish the Minister and the local professionals here in Gibraltar success in their endeavours because it is not only good for them but it is good for everyone in Gibraltar.

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Thank you.

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Hon. N F Costa: Thank you, Mr Speaker.

Q289/2015

**Refurbishment of sub-post offices –
Update and plan for reopening**

Acting Clerk: Question 289/2015, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister with responsibility for the Post Office state if there are two community sub-post offices closed and, if so, state the period in which such offices to the public have been closed and when is the intention of having them reopened?

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Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

The Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the two district post offices were closed for refurbishment on 10th November of last year. No decision has yet been taken on when they will reopen.

910 **Hon. J J Netto:** Given the fact that the refurbishment started in November, is that refurbishment still going on or has it finished? What is the current situation?

Hon. N F Costa: Mr Speaker, as the hon. Gentleman will know, the district post offices were closed as a result of health and safety notices and therefore there was a redistribution of the staff within it and the refurbishment is ongoing.

915 The reason why the sub-offices are not yet opened is because I am in consultation with the Minister Bossano, as Minister for the Gibraltar Savings Bank, and we are trying to identify what services... and how best to provide those services.

920 So instead of just providing the usual services that you would expect at the post offices, we are very much in discussions as to what else we could provide, so that, for instance, there could be the Gibraltar Savings Bank normal savings account, which is the normal blue book... what kind of Gibraltar Savings Bank services will be offered from the sub-post office and also the services that the Post Office can provide but we are looking at infrastructure in terms of software, because given that these are convenient places, locations, for different parts of our community, it does very much make sense to be able to provide not just

925 what has been traditionally provided but, for instance, payment of other Government utilities – in other words, to avoid people having to come down to Main Street if they can do their business from Glacis or from the south.

Hon. J J Netto: Mr Speaker, indeed, it does make sense – what the Minister is actually saying. Perhaps I could try to encourage him to have that conversation extended to the Department of Social Security, in the sense that although it is true that some pensioners do go and obtain their pensions from the sub-offices of the Post Office, others do not. It is more of a cultural thing and they actually queue outside the offices of the Social Security. Perhaps there is an element there where people can be encouraged further to obtain their pensions, not from the Social Security building because it actually creates a situation where there are many

935 other queues for many other benefits and perhaps we could try to encourage them to move them to the Post Office sub-offices; that would be welcome too. So I am grateful for that answer.

Hon. N F Costa: Yes, Mr Speaker, I would like to actually say that there is synchronicity on this side of the House because the supplementary note does, in fact, say exactly that – that we should also be looking at the payment of old age pensions and benefits. So he is right in pointing that out.

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**Q278/2015 continued –
Business Nurturing Scheme**

Mr Speaker: We move on to questions to the hon. Minister for Tourism.

Mr Bossino, a question? I understand the hon. Member wishes to ask some supplementaries arising specifically from Question... what was the number of the Question?

945 **Hon. D J Bossino:** The Question was to the Minister for Small Business and so it was... It was Question 278/2015.

Mr Speaker: Question 278/2015. These are supplementaries arising from Question 278/2015.

950 **Hon. D J Bossino:** Mr Speaker, the House will recall that the hon. Minister handed over a three-page document – not a schedule, a three-page document – setting out in substantial detail... I am trying to locate it at the moment – how the £25,000 loan which is going to be issued by the Government to help start-up businesses is going to be dealt with I am grateful for that and it managed to deal with some of my supplementaries, but not all.

955 Mr Speaker, who will be the paying party? Which entity would actually make the payment? Is it the Gibraltar Government or is it some other Government company? If he could answer that question first.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, successful applicants will, as he has correctly pointed out, receive a loan of up to a maximum amount of £25,000. Payments will be done through, as I understand it at this stage, the Treasury.

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Hon. D J Bossino: Mr Speaker, there is some concern... and there is a reference to the paper he has passed on to me... deals with that point to a certain extent when, for example, it says:

‘The loan documentation will take the form of a non-negotiable loan agreement. The loan agreement will set out conditions pertaining to the loan and the consequences of default.’

965 One of the concerns which has been raised in the UK – I had a word with the Minister briefly before starting today – is the rate of default that there is in the UK in relation to what they call start-up loans.

There was an article two weeks ago in the *Sunday Times* on this, where it said, for example, that the start-up loan scheme which had begun three years ago in the UK had lent a total of £150 million – which actually in the scheme of the UK does not seem an awful lot of money – but there had been more than
970 £50 million-worth of default. So therefore there is now a debate as to whether that is a proper expenditure of taxpayers’ money.

In that context, can he provide more specifics as to what the consequences of default would be and also, as a subsidiary question, whether the board dealing with this matter will be considering requiring collateral and security to be provided in order to ensure that in the event of a default that payment is made and the
975 Government does not lose out?

Hon. N F Costa: Mr Speaker, the loan documentation is being prepared by my ministry, by John Paul Fa who is the council to the ministry for Business and Employment, but the loan documentation will be approved by the Financial Secretary’s office, in other words, by the Treasury.

980 As he knows, because I have said so in a press conference, the interest that it will attract will be only of 2%, which of course is a much lower rate of interest than were you to obtain a loan from a high street bank which could be 6% or more. Therefore the very point of the start-up business loan is precisely to award finances to start-up businesses that may not be able to obtain finance in the high street bank for the very simple reason that they have no background and therefore no way for a bank to check whether or not they
985 would be able to pay in the future.

But the hon. Gentleman can take comfort of a few things. In the first place there will be a loan documentation that will have to be signed by both parties and therefore such default will be able to be pursued in the courts. Secondly, the committee that will be deciding these applications will be the Gibraltar Federation of Small Businesses, the Gibraltar Chamber of Commerce and an official from my ministry.

990 As the hon. Gentleman will also know from the information that I have given to him, the criteria by which the loan will be granted or not depends on various points; for instance, evidence of demand, innovation, sustainability and risk, value for money, creation of jobs, e-commerce, touristic reputational value, environmental and health impact.

So this committee of experienced business persons, by way of representation of the Chamber and of the GFSB, will take into account these criteria and, importantly, a business plan.
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The way that it works will be as follows: an application will be submitted, the application will have to be accompanied by a detailed business plan, which of course will have to provide all the relevant financial information. Because the board sits in private, the applicant will not be concerned that their financial information will be distributed to a wider audience, which tends to be sometimes problems with trade
1000 licensing applications which we have discussed before. The application will be scored. If it is over 50 points then the committee will call that applicant in and will ask that applicant a series of questions. If the application then scores over 60 points out of 100 then they will be given a loan. The loan does not necessarily have to be of £25,000; indeed, it could be of any amount. There is no minimum criterion set but there is a maximum which is £25,000.

1005 Although the decision was taken that the repayment would be of equal monthly instalments, there is no penalty if the applicant were to repay the loan much sooner than anticipated. So it will not always be the case that the loan will be expected to live the term of the five years; it may live less. But in cases where, for instance, there is default, which is the case that the hon. Gentleman brings me to alight... In the case of default the committee will have to decide whether or not to take actions in the court. We will not be
1010 requiring, Mr Speaker, any security on the loan. We will not.

Hon. D J Bossino: In fact, he alights on a point which has featured in the debates that I was referring to in my first supplementary as to... it begs the question, if commercial banks... if the potential start-up has not managed to secure the financing through a commercial bank it begs the question why should the risk
1015 then fall on the taxpayer?

I can understand that in Gibraltar there may be different nuances to that, in that you hear many complaints... In fact, I only had it this morning from somebody who has started up a very successful small business in Gibraltar, where he said that when he started off it was just absolutely impossible to obtain financing. In fact, he welcomed the initiative taken by the Government as a result.

1020 But I think the reason why that happens in Gibraltar is because decisions are taken in head office or whatever it is and I was wondering whether in the context of the setting up of GIB... well, you are going to have a local bank where hopefully there will be local people taking decisions, presumably, in relation to loan financing and whether they will have a better feel as to the proposals which are being made to them and they will be taking decisions locally – how that is going to work with this particular initiative?

1025 I see the Minister for Financial Services is here and maybe he can assist in relation to that. I just wanted to explore that point a bit further.

Hon. N F Costa: Mr Speaker, the hon. Gentleman hits the nail on the head when he says that financing has been almost impossible to come by, so even a business person with the best idea in the world in Gibraltar may not have been able to obtain financing precisely because decisions as to small business loans are not taken here; they are taken in the Isle of Man or wherever the headquarters of a particular bank sits.

1030 Therefore this fund – which it has to be said, Mr Speaker, is only a quarter of a million pounds; we are not talking here of a £5 million fund – is a defined amount which, say every single applicant defaults and no-one pays, the taxpayer would be losing a quarter of a million pounds. Obviously the view of the Government is that that will certainly not happen.

1035 But let's say that it does happen and we are looking at a total loss in one year of £250,000, the reason why this Government thought that the GBNS was critical was because in some cases small businesses at first may not have the idea that a normal brick and mortar high street bank may think is a good idea and we discuss this by phone once.

1040 For example, an app. Apps today, for example... and we spoke about the app of Uber, which is a taxi app, and other car-sharing apps which are now making billions of pounds, may not have initially attracted any money from a traditional bank on the basis that that sort of app would not have been something that they thought would attract any money or make any money.

1045 The reason why the committee is established by representatives of small businesses is because they are best placed to decide whether an idea, that may not necessarily be the idea that a brick and mortar bank may think is a good idea, like, for example, a clothes shop or a supermarket or any other traditional business... they may think that that business idea which is innovative would, in fact, be a sustainable business.

1050 So that is one part of the answer and the other part of the answer is the one that he gave himself in the question, which is that unfortunately in the current climate of financing and credit it would be very hard indeed for a truly small business with an idea that does not fit necessarily within what is comfortable, traditional territory for a bank, may get that financing.

1055 But, as I said, he should take great comfort from the fact that before the amount is given, the committee members would have scrutinised the business plan of the applicant and, should it want to, the committee can impose further conditions. In other words, if, for whatever reason, they think that the idea is great but may have some difficulty as to the ability to repay, it may well be that the committee requires a guarantee, a guarantor.

1060 So whereas there would be a standard, non-negotiable loan document, the committee will definitely not want an innovative, great idea to go by merely because there is some risk to the innovative idea and they may well decide to ask for a guarantee.

Hon. D J Bossino: I have got one final supplementary, if I may.

1065 He talks about the potential maximum exposure to the Government of a quarter of a million pounds. Now, the way I took the assignment of that £250,000, which is going to presumably form part of the next Appropriation Bill for the next financial year, is that it is in the context of a pilot scheme. So is it the intention to be attributing more funds to this should the scheme be a success?

1070 **Hon. N F Costa:** Mr Speaker, the short answer is yes. Like with every pilot scheme the Government rolls out, the first year will certainly be the touchstone by which we will measure its success or otherwise. Depending on how this year goes then the Government will either decide to continue with the GBNS or not, but I cannot, at this stage, tell him whether there will be a GBNS next year, given that the first applications are still being processed.

TOURISM, EQUALITY, SOCIAL SERVICES & HOUSING

Q350-353/2015 – Questions withdrawn

Acting Clerk: Question 350/2015, the Hon. D J Bossino.

1075 **Hon. D J Bossino:** Mr Speaker, I think it is fair to say the entirety of my questions to the hon. Minister for Tourism is all statistical in nature. When I filed those questions, I think the hon. Minister – she and I have discussed this – would readily admit that the information was not available on the web. All that information is now available on the web and I do not propose to formally pose the questions and I propose, indeed, to withdraw them.

1080 **Mr Speaker:** You wish to withdraw them?

Hon. D J Bossino: So if I could go through them, Mr Speaker? (**Mr Speaker:** Yes.)
We are now on Question 350/2015; it would be Question 351, 352 and 353 – all the questions to the Minister for Tourism.

1085 **Mr Speaker:** They were all to be answered together.

Hon. D J Bossino: Okay.

1090 **Mr Speaker:** So Question 354?

Hon. D J Bossino: Yes, to Question 353 inclusive. (*Interjections*)
Yes, the point has been made by my learned and hon. Friend that the hon. Minister may be able to provide me with a written answer, but it is information I suspect which is already online and I have printed out already.

1095 **Acting Clerk:** Answer, the hon. the Minister for Tourism, Equality, Social Services and Housing.

Answer to Question 350

Year	Jan	Feb	Mar	Apr
2015	653,700	666,500	724,200	762,800

Answer to Question 351

Year	Jan	Feb	Mar	Apr
2015	11,448	12,462	16,287	16,363

Answer to Question 352

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2014	56	78	126	190	211	291	306	328	249	248	182	108
2015	68	65	130	154								

Cont.....

CONT'D ANSWER TO QUESTION 353 OF 2015

Answer to Question 353

2015	Jan	Feb	Mar	Apr
Cruise ships	2	3	3	32
Passengers	981	5,562	6,080	42,355
Crew	687	2,440	2,600	19,167

Q354/2015
Mid Harbours Estate –
Operation of barriers

Acting Clerk: Question 354/2015, the Hon. E J Reyes.

1100 **Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question 235/2015, can the Minister for Housing confirm to this House that the garage barriers at Mid Harbours Estate are now operational on a permanent basis?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

1105 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, it was envisaged that the barriers would be operational by the beginning of May. However, due to lack of response by tenants at Mid Harbours Estate in providing necessary information, it has been postponed until 1st June.

Q355/2015 and Q360/2015
Government rental homes –
Unpaid rents

Acting Clerk: Question 355/2015, the Hon. E J Reyes.

1110 **Hon. E J Reyes:** Can the Minister for Housing provide details of arrears in respect of unpaid rents pertaining to Government rental homes as at 30th April 2015?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

1115 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, I will answer this question together with Question 360.

Acting Clerk: Question 360/2015, the Hon. E J Reyes.

1120 **Hon. E J Reyes:** Can the Minister for Housing provide full details of how much has been written off in respect of unpaid rents pertaining to Government rental homes since the answer provided to Question 230/2015?

1125 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Hon. S J Sacramento: Mr Speaker, the total of unpaid rent as at 30th April 2015 was £5,452,480.66. No money has been written off since the answer provided to Question 230/2015, as the exercise in this respect continues.

Q356/2015
Government rental homes –
Eviction of squatters

Acting Clerk: Question 356/2015, the Hon. E J Reyes.

1130

Hon. E J Reyes: Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since the answer provided to Question 233/2015, providing a breakdown showing the number of homes involved and to whom payments were made?

1135

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): None, Mr Speaker.

Q357-358/2015
Government rental homes –
Urgently decanted tenants

1140

Acting Clerk: Question 357/2015, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing say when the tenant listed in answer to Question 231/2015, who required urgent decanting from his/her home, will be able to return to his/her own dwelling?

1145

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, I will answer this question together with Question 358.

1150

Acting Clerk: Question 358/2015, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since the answer to Question 232/2015, indicating the reason why the date when said decanting became necessary and the date when the tenants were able to return to their home?

1155

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Hon. S J Sacramento: Mr Speaker, works to the property in Question 357 are ongoing and estimated for completion on 22nd May 2015 and, in answer to Question 358, the answer is none.

Q359/2015
Government rental homes –
Repair works to empty homes

1160

Acting Clerk: Question 359/2015, the Hon. E J Reyes.

1165

Hon. E J Reyes: Can the Minister for Housing provide details in respect of all expenditure incurred since the answer to Question 226/2015, in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid, the number of residential

homes pertaining to each payment, as well as indicating the type or nature of repair works or cleaning services undertaken?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, CIAP Construction Ltd was paid £13,800 in relation to works to one property for general refurbishment works including works to walls and ceilings, taking down walls, paintwork, replacing floor tiles and a door, plumbing and electrical works.

CRJN Construction Ltd was paid £13,811 in relation to works to two properties for general refurbishment including works to walls, ceilings, doors, windows, plumbing and electrical works.

Ernest Lopez and Sons was paid £28,365 in relation to works to two properties for general repairs including paintwork to walls and ceilings, tiling and replacing fittings, plumbing and electrical works.

Ace Plumbing was paid £10,150 in relation to works to one property for general repairs including paintwork to walls and ceilings, tiling, replacing fittings, plumbing and electrical works.

N & S Services were paid £12,610 in relation to one property for general repairs including paintwork to walls and ceilings, tiling and fittings, plumbing and electrical works.

Kaysam was paid £8,040 in relation to works to one property for general repairs including works to walls and ceilings, paintwork, tiling and fitting plumbing and electrical works.

Joaquim Pacheco Da Cruz was paid £11,784 in relation to one property for general repairs including works to walls and ceilings, paintwork, tiling, fitting plumbing and electrical works.

Sarah Jane Construction was paid £3,500 for the carrying out of general refurbishment works to one property including paintwork, walls, ceilings, tiling, plumbing, electrical works.

No cleaning works were contracted.

Hon. E J Reyes: I think I have all the figures, Mr Speaker. No other supplementary except to ask the Minister for a special favour. If she can, would it be possible to have a photocopy of that? My hearing aid is not 100% in tune today and I could have got some figures wrong, so later on during the course of the morning she might be able to give me a copy.

Mr Speaker: *[Inaudible]*

Hon. E J Reyes: Sorry, Mr Speaker?

Mr Speaker: If the Hon. Member says that he has not heard the answer fully... *[Inaudible]*

Hon. E J Reyes: Yes, that is it. I have heard it. I just want to make certain because I may have misheard something, but other than that there is nothing else arising, Mr Speaker, from the information provided so far.

Mr Speaker: *[Inaudible]*

Hon. S J Sacramento: Mr Speaker, it is on its way with Mr Balban.

Hon. E J Reyes: Mr Speaker, I am so grateful. I have already got the copy of everything. Thanks to the Minister for that prompt copy.

Q361/2015

Discrimination of women in the workplace – Survey update

Acting Clerk: Question 361/2015, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government state if they have carried out during their term of office any survey to determine if there is any discrimination against women at the place of work, public and private sector, in relation to obtaining less income for work of the same grade profession as male colleagues?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

1220 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, this exercise is ongoing.

Hon. J J Netto: Could I perhaps ask a supplementary?

1225 I take on board what the Minister said – that the exercise is ongoing. Is it an exercise that has been conducted by the Statistics Department or by your own ministry? I mean could perhaps the Minister provide Parliament some information about what the exercise consists of and who is doing it?

Hon. S J Sacramento: By both, Mr Speaker.

1230 **Hon. J J Netto:** Obviously the exercise covers both the public sector and the private sector – is that a fair...? Yes.

Hon. S J Sacramento: It does, Mr Speaker.

1235 **Hon. J J Netto:** And the always, eternal question – does the Minister know by more or less when this exercise might be finished? I mean I do not even know when it started but does she expect this to be perhaps during the course of this year?

1240 **Hon. S J Sacramento:** It is ongoing, Mr Speaker, and of course we aim to finish as soon as we can but it is an exercise that is being done by the Department that is undertaking other exercises; so as soon as we can.

Q362/2015
Dr Giraldi Home facility –
Relocation

Acting Clerk: Question 362/2015, the Hon. J J Netto.

1245 **Hon. J J Netto:** Mr Speaker, further to the answer to Question 451/2012, can the Minister for Social Services state if the Government has now considered the matter and taken a decision as to moving the Dr Giraldi Home facility from its present location?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

1250 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, this is being considered.

1255 **Hon. J J Netto:** I take on board obviously that this has been considered for some time because I am referring to a previous question. I think it was in a time when my colleague, Mrs Ellul-Hammond, actually asked that question.

So it has been considered probably for 12 months perhaps, or around that time. Is it likely, therefore, that a decision is likely to be taken soon?

1260 **Hon. S J Sacramento:** Mr Speaker, the improvement of our services is something that is always ongoing, regardless of the service, so this is something that will be considered when the whole package of this particular service is under review, as we must continuously self-review and self-assess. So this is something that we would consider for the future.

1265 **Hon. J J Netto:** But is it the desire of the Government, or perhaps the Minister herself, to have a transfer of the facility to another place? Is that something, a goal, that either herself or the Government has embarked upon?

Hon. S J Sacramento: Mr Speaker, by logic, if a facility is to be transferred from a present location then it means that it will be relocated, so I have already answered the question.

Q363/2015
Dr Giraldi Home facility –
Investigation of staff member

1270 **Acting Clerk:** Question 363/2015, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer given to the Question 658/2014 – that is November of last year – can the Minister for Social Services state if the investigation into a member of staff at the Dr Giraldi Home has now concluded and, if so, specify what the outcome to the investigation has been?

1275 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, as already stated in my answer to Question 658/2014, disciplinary proceedings conducted by the Care Agency are confidential matters.

1280 The outcome of the disciplinary hearing is therefore a matter that is subject to confidentiality and as such it would be wholly improper of me to breach the duty of confidentiality owed to the employee.

1285 **Hon. J J Netto:** Mr Speaker, I can understand what the Minister is actually saying but this is an incident – or an alleged incident, so to speak – where a particular employee during normal working hours, with a patient of the Dr Giraldi Home, actually went through the Spanish border and when stopped by a Guardia Civil... if she had anything to declare, she said 'no' and then was found to have a carton of cigarettes in her bag.

1290 That is a matter of public interest. I can understand the hon. Minister saying that the disciplinary case itself is a matter of confidentiality, but it is a matter of public interest to know whether an employee of the Dr Giraldi Home in such circumstances as has been alleged has been investigated.

All I want to know is whether the hearing has now been completed and a decision taken. That is it.

1295 **Hon. S J Sacramento:** Mr Speaker, while I can confirm that disciplinary procedures were invoked and the investigation and the whole procedure has been finalised –

Mr Speaker: I am having difficulty in hearing the hon. Lady.

1300 **Hon. S J Sacramento:** Mr Speaker, while I can confirm that disciplinary procedures were invoked and the investigation and the whole procedure has been finalised, I cannot go into further detail of the investigation for the reasons that I have set down because of a duty to the staff; because the premise is that it is an allegation and not an assertion, as the hon. Member has put it and has phrased it.

I also remind the hon. Member, Mr Speaker, that we went through all of this and the reasons as to why it was inappropriate to discuss this on the last occasion that he asked this question, in Question 658.

1305 Thank you, Mr Speaker.

Q364/2015
Juveniles with challenging behaviour–
Details of any requiring specialised care services

Acting Clerk: Question 364/2015, the Hon. J J Netto.

1310 **Hon. J J Netto:** Mr Speaker, does the Care Agency senior manager know if any juvenile in Gibraltar whose challenging behaviour is such that he or she may warrant further specialised care over and above the existing services being provided at the moment in Gibraltar; and, if so, would the Minister for Social Services provide a breakdown showing the number of juveniles, their age and sex, and a short description of their medical/social condition, even if the latter part of the question is provided on a confidential basis?

1315 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, no.

Hon. J J Netto: Mr Speaker, I take note that the hon. Lady has said ‘no’, but I recall that in the last couple of weeks there was, I think, an article in the *Gibraltar Chronicle* by the Red Cross – was it the Red Cross? – where it did actually say that there were a number of juveniles that, in accordance with them, required specialised care over and above that being provided in Gibraltar.

Can the hon. Lady confirm that this is the case and whether there is a disparity of opinion between what our professionals in her own ministerial Department think and what this association is stating?

Hon. S J Sacramento: Mr Speaker, I do not recall any article by the Red Cross. Indeed, I would be surprised why the Red Cross would be writing in relation to children. But anyway, Mr Speaker, this is the advice of the professionals who are employed in the Care Agency; and I am here to account for the Care Agency and the opinion of professionals, and not any articles which may appear in the press.

That is the answer that I have been provided.

Thank you, Mr Speaker.

Q365/2015

Care Agency’s residential homes – Acts of violence

Acting Clerk: Question 365/2015, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if there has been any recordable acts of violence in any of the Care Agency’s residential homes as from January 2012 to date, on a monthly basis?

If so, could the hon. Lady provide a breakdown showing the dates of the incidents or incident, whether the incident was between children or between children and staff, and whether, as a result of the incident, medical attention was required either at the home or in the Hospital, and for what purposes?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, since January 2012 there have been a further 24 incidents. I now hand the hon. Member a table stating the requested information, purely on a confidential basis because this relates to children and I feel very strongly about disclosure of information in relation to children.

Q366/2015

Bullying and harassment in the Care Agency – Details and disciplinary measures

Acting Clerk: Question 366/2015, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if there have been any acts of bullying and harassment in the Care Agency during the financial year 2014-15 and, if so, can a breakdown be provided showing the number of occasions by month and type – that is verbal, non-verbal, physical or corporate bullying etc – and whether informal or formal disciplinary measures have been instigated?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, there have been none.

Q367/2015

Children’s services – Unallocated referrals

Acting Clerk: Question 367/2015, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for Social Services state if there have been any unallocated referrals of children waiting for a service during the financial year 2014-15 and, if so, provide a breakdown of the level of risk to any such children?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, unlike when I took office, there are now no unallocated referrals.

Q368/2015

Care Agency –

Juveniles in Education, Training, Employment status

Acting Clerk: Question 368/2015, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state how many juveniles in the care of the Care Agency are in Education, Training, Employment status or with no placements of the above, indicating the period upon which he/she has been in such position and the sex of the juvenile?

Acting Clerk: Answer, the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, before I answer the question, I would like to remind the Hon. Member that the children who are in care are children and not juveniles, because juveniles has an association of criminal proceedings and criminal convictions, and children in care are children and not juveniles.

Now insofar as a substantive answer, Mr Speaker, I will continue the position that I have taken in the past in that I cannot disclose information that relates to children if it means that they can be easily identified. As ever, I am happy to provide this information in confidence to the Hon. Member.

Hon. J J Netto: Yes, indeed, she has provided information in confidence before. So is she passing the information now?

Hon. S J Sacramento: I am happy to discuss this information behind the Speaker's chair, Mr Speaker.

Q369/2015

Looked-after children –

Waiting time for Courts documents

Acting Clerk: Question 369/2015, the Hon. J J Netto.

Hon J J Netto: Mr Speaker, can the Minister for Social Services state what is the average waiting time for forwarding all necessary Courts documents for looked-after children, as reflected in their care plans – that is Care Agency, Education, Health, etc, and if there are unacceptable delays in providing such documents?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, in care proceedings Social Services submit documents to the Court in accordance to the timetable set down by the Court. Now, Mr Speaker, deadlines are met and there are no delays – again, I want to add, unlike the position when the Hon. Member was Minister with responsibility for Social Services. (*Banging on desks*)

Q370/2501

**Social Services –
Training Programme of the Care Agency**

Acting Clerk: Question 370/2015, the Hon. J J Netto.

1400

Hon. J J Netto: Mr Speaker, can the Minister for Social Services please provide the 2015 Training Programme of the Care Agency?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

1405

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, as stated, when the same question was put to me in Written Question 92/2012, this is an internal document, not a public one. As such, I will *not* make a copy available. I do agree to show the Hon. Member a copy in confidence.

1410

Acting Clerk: Question 371 –

Hon. J J Netto: Yes, I would certainly like to have a copy, even if it is in confidence.

Hon. S J Sacramento: Mr Speaker, I said that he could *see* a copy, not *have* a copy.

1415

Hon. J J Netto: Mr Speaker, we are talking about what is a fairly large document. It is not reasonable or possible for someone to have some kind of a mind that can look at the whole document and be able to absorb it – that is quite unreasonable on the part of the lady. Could I ask her to reflect on that and perhaps provide me with a copy, even if it is in confidence, although I do not believe that it is unreasonable what I am asking for?

1420

Hon. S J Sacramento: Mr Speaker, I have given this consideration in the same way that I gave it consideration when I answered this question in 2012 and no further requests have been made since then, I have to note.

1425

Mr Speaker, this is an internal policy document. It is a substantive document and I just cannot be micro-managed by the Opposition. The Opposition had its opportunity to devise any training plans when they were in Government and this is a training plan that we have devised now. It is an internal document. It is a policy document. Our policies and our strategies are clear from where we are going and that is the reason behind the decision that I have taken.

1430

Hon. J J Netto: Mr Speaker, my intention is not to micro-manage what the Department does. I think it is a fair comment to say that the role of the Opposition here in Parliament (*Interjection*) – I do not know whether Mr Linares wants me to give way for him to stand up and make a comment because he seems to be butting in every so often. He needs to relax and calm down a bit. (*Interjections*)

1435

I am not trying to micro-manage at all what the lady is doing, but the role of the Opposition is precisely to be able to cross examine what the Government is doing, its policies, and that includes training. (*Interjections*) I think it is quite a legitimate and reasonable thing for me to be appraised of what the training programme is, because if the Opposition were to think there is not the adequate training either wholly or partly or a particular issue, then the role of the Opposition should be able to stand up and say, 'Look why don't you consider *x* instead of *y*' or things of that kind. (*Interjection by Hon. S E Linares*)

1440

Does the Hon. Mr Linares want me to give way?

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Yes, Mr Speaker.

He has just said that he does not want to micro-manage and he has just stated exactly the micro-management that he intends to do.

1445

Hon. J J Netto: Obviously I disagree with such a statement, Mr Speaker.

Looking at the training programme and seeing what training is going to be provided across the board on a very wide Department is not micro-managing; it is actually looking at what the Government policy for training is and whether the Opposition simply agrees with it or does not agree with it. That is not micro-managing. Obviously I am failing in trying to be reasonable. I am failing to try and get the hon. Lady to provide a copy to the Opposition. I am not going to succeed and so I am not going to waste Parliament time any further.

1450

1455 **Hon. S J Sacramento:** Mr Speaker, I was going to say that he can rest assured that this is a document that is provided by the Training Team, by professionals. If he wants to know what Government policy it is, Government policy is to provide *excellent* training – training that did not exist in the past – and not only standardised training for all the care workers who had never *ever* had training, but professional development training for everybody, which is done through the Training Team, but in consultation with all the heads of the Department. So if he is concerned about policy, I will tell him right now categorically that
1460 it is a hundred times better than the training policy that he used to devise. (*Banging on desks*)

Mr Speaker: Hon. Members are now beginning to debate, so we will move on to the next question.

Q371/2015
Social Services –
Agency workers in the Care Agency

Acting Clerk: Question 371/2015, the Hon. J J Netto.

1465 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state how many Agency workers are working in the Care Agency, broken down by grade, establishment and duration regardless of short-term contracts?

1470 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, there are 18 individuals in the Care Agency establishment engaged through an agency: seven in administration, nine carers, two nurses and a driver.

1475 **Mr Speaker:** Did she say 18 or 19?

Hon. S J Sacramento: Nineteen.

Mr Speaker: I heard 18.

1480 **Hon. S J Sacramento:** No, 19.

Mr Speaker: The draft answer that I have says 19.

1485 **Hon. S J Sacramento:** Oh, I apologise. Mine says 19. Let me see... seven, nine, two and one is 19. I apologise for that, Mr Speaker. Of these, 11 have worked for under a year and eight for under two years.

Q372/2015
Social Services –
Life planning for disabled persons programme

Acting Clerk: Question 372/2015, the Hon. J J Netto.

1490 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state what generalised features the programme of life planning for disabled persons have, what the costs, if any, are and when was it implemented?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

1495 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, I will answer this question together with Question 373.

Q373/2015
Social Services –
Disability Action Plan

Acting Clerk: Question 373/2015, the Hon. J J Netto.

1500 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state what generalised features and objectives the Disability Action Plan contains, what the cost involved is and when was it introduced?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

1505 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, the Disability Action Plan which will outline a holistic approach to life planning for people with disabilities will contain the following features: education; employment; income; health and wellbeing; choice and control; inclusive communities.

1510 Under each heading there will be consultation with the stakeholders to ascertain the different needs and at this stage the cost cannot be quantified. Although the plan has not formally been introduced as a document, this does not mean that work has not been done in different strategies that will form part of the plan as it is developed.

Q374/2015
Social Services –
Consultation on rights of disabled persons, UN Convention

Acting Clerk: Question 374/2015, the Hon. J J Netto.

1515 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if the consultation in relation to the draft legislation to ratify the UN Convention on the rights of disabled persons has now taken place, and whether the Government is now in a position to take such legislation to Parliament?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

1520 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, the consultation process is not complete; however, we are very close to finalising it so that legislation can be brought to Parliament as soon as possible.

1525 **Hon. J J Netto:** Mr Speaker, given that the consultation is not yet complete, and given the fact that this was a manifesto commitment, which said something along the lines that it would be done within a year of being in office, can the Minister provide some assurances that such legislation will be brought to Parliament before Parliament at least is dissolved and a call for a new election?

1530 **Hon. S J Sacramento:** Yes, absolutely, Mr Speaker.
I can also reassure him that not only will it will be done in this term of office, but it will not take us 16 years to do. (*Laughter*)

Q375/2015
South District Citizen's Club –
Services provided; attendance after reallocation

Acting Clerk: Question 375/2015, the Hon. J J Netto.

1535 **Hon. J J Netto:** Mr Speaker, further to the answer given to Written Question No. 268 of 2014, can the Minister for Social Services provide an update in relation to the services provided to the senior members of the former South District Citizen's Club and to those that attended the Governor's Parade Building, and whether attendance have been maintained to the levels prior to the reallocation to the Waterport Terraces building?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, there is no update to provide. The question was clearly answered in my answer to Written Question 268 of 2014.

Hon. J J Netto: While I welcome there is no update to provide, but there is a part of the question there which obviously is beyond what the question was back in 2014, which the hon. Lady has not answered, and that is whether the levels of people attending now to Waterport Terraces building is more or less the same, or better, or worse than it was before.

Could she answer that part of the question?

Hon. S J Sacramento: Mr Speaker, he either does not understand or he does not know how to phrase his questions to communicate what he intends to ask.

The question is very clear. The question asks what the consequences are of opening the Waterport Terraces Day Centre. The answer in my previous question was that all the previous day centres have been absorbed into one day centre and so by logic anybody with understanding of the English language would know that that means that people who attend one day centre are transferred to the other. He knows, because I have said in previous questions that there was more than one day centre and he will know because he was the Minister for Social Service... no, as I recall, his title was Minister for Social Affairs.

He knows that they were all absorbed into one day centre and so the only logical conclusion is that if everybody is absorbed means that they go. If people who may have attended one day centre were transferred to the new day centre a year ago, it may have been that they have passed away. So if they have passed away they are not there.

But, Mr Speaker, I do not know how else you tell somebody that when you move something from A to B, you move them from A to B and they are all there.

TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q376/2015

Gibraltar Bus Company –

Details of monies owing from Big Publications Ltd

Acting Clerk: Question 376/2015, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Transport provide this House, further to his answer to a similar question in March this year, details of the monies owing to the Gibraltar Bus Company by Big Publications Ltd as result of the sale of advertising by the latter before the termination of the arrangement between the parties in September last year?

Acting Clerk: Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, a detailed examination of the books of accounts and supporting documentation of Big Publications Ltd has been carried out a report on the findings and observations has been presented to the Directors of the Gibraltar Bus Company Ltd for their consideration.

The Report has now been shared with the Directors of Big Publications who are reconciling it with their own accounts in order to confirm or dispute the amounts due.

Hon. S M Figueras: Mr Speaker, this is a matter that we have been talking about now since some point during the summer last year where it came to light that big publications had been paying as good as *no* revenue to the Government through the Gibraltar Bus Company for the advertising that it had sold on the buses – a practice that I appreciate from seeing the buses going around the city is no longer the practice. He told me in March that the accounts were being reviewed and that if I were to ask him the question, he would give me the details in this session. That is what I have done, Mr Speaker.

We are talking about something that for the first time in September last year we were told by the Hon. Neil Costa, who had carriage of that portfolio at the time, that they had requested the accounts and that they were going to make sure that there was a review of audited accounts to ensure that the amounts outstanding or due to the Government would be paid in due course. Now, Mr Speaker, we find ourselves once more in

another session of Parliament with the Minister telling me that the accounts have been prepared, the accounts have been reviewed they have been passed on to one to the other, and now it is a matter of reconciling.

1595 Mr Speaker, is the Minister not able to tell this House how much the Bus Company is owing... from the Bus Company's or certainly from a review of the audited accounts – to the Gibraltar Bus Company and therefore the Gibraltar Government subject to – and I will concede that point – any review or reconciliation that needs to be carried out with the directors of that company?

1600 **Hon. Chief Minister:** Mr Speaker, of course it would be possible to give that figure to the hon. Gentleman, but it is not that we are suggesting that the information will not be given, it is that we are in a process where the Government has now *put* to that company what we say is due. We are expecting either an agreement or a different reconciliation which will produce a higher or lower figure. I do not suppose the company will say the figure is higher, but that is the possibility.

1605 Can I just say to him that there is no attempt here not to give the information and can he give us 30 days, because I think that by the time we come back to the next Parliament he will be able to have all the details and that the issue may have been resolved and the details of that resolution be made available to him and to the general public as a result?

1610 **Hon. S M Figueras:** Mr Speaker, I am happy to wait 30 days, because we have the meeting next month. I am happy to do that because clearly if the information is not available or is not going to be given us today then it is just not going to happen.

1615 I am not suggesting that the information is not such that wants to be shared by the Government. What I am suggesting, Mr Speaker, is that it is an issue which I suspect might when eventually the information becomes public, cause embarrassment to the Government, because I think it is a point that I will be making when the information is made available that this could be tens or hundreds of thousands of pounds. We do not know how much the revenue is. We only have the benchmark of the previous contract to go by at this stage.

1620 I suppose my frustration, Mr Speaker, at this stage is the delay in the process involving one company over a matter of nine months. Therefore, I would ask the Chief Minister to confirm – and I know he has already indicated it – whether he is convinced that the matter will certainly be resolved to the point that there will be a figure made available to this House at that stage. That will be my last supplementary.

1625 **Hon. Chief Minister:** Mr Speaker, the answer is yes, and that is why I have invited him to ask the question in 30 days. I do believe there will be a figure available. But, what is more, Mr Speaker, I do not believe that any of what he has said is going to be turn out to be true. If I thought that there was something which was going to be embarrassing to the Government and I thought that it was in any way possible not to disclose it, I would not be inviting him to ask the question.

1630 If I thought there was something that was going to be embarrassing to the Government which we were going to have to reveal, Mr Speaker, look the logical, political step today is to reveal that this month not next month closer to the election, because by effluxion of time, next month is closer to the election than this time. So I neither think there was anything embarrassing for the Government, nor do I think that there is therefore any need to avoid providing it. I am therefore happy to encourage him to seek it, because I am very confident – subject to something else happening, which does make it possible – that we will be able to give the figures next month, closer to the election, and therefore in a way that will enhance the Government's standing in the community and not diminish it.

Q377/2015 Fixed speed cameras – Deployment

Acting Clerk: Question 377/2015, the Hon. S M Figueras.

1640 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport say when he expects fixed speed cameras to be deployed in Gibraltar?

Acting Clerk: Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, considerable work is being undertaken to enable the deployment of fixed speed cameras. I expect to be in a position to update the House further during the course of the Budget debate.

Hon. S M Figueras: Mr Speaker, can the Hon. Minister provide some details of what this considerable work has entailed so far?

Hon. P J Balban: Mr Speaker, the speed cameras are very sophisticated pieces of equipment that need to be set up correctly – in fact if there is any error in the setting up of the cameras by way of painting lines on the ground, if there is any error in that respect, then the evidence put before the court will be null and void. It will not be acceptable.

The camera will give a speed limit, a digital speed indicator, which is very accurate, but there is also certain amounts of lines which need to be painted on the ground correctly. It is to be sure that the camera has not failed in any way. The camera will take two pictures in quick succession, as I am told by the technical team; hence you will see the distance travelled in that given time, giving us a very accurate back-up of whether the camera has in fact given us the right speed.

So all these things have to be studied correctly and we cannot just go out there and paint lines. The locations, even within a specific road, have to be correct. So there is a lot of ground work that needs to be carried out before we actually say we move on.

Hon. S M Figueras: Mr Speaker, with the Chair's indulgence I am going to ask a series of short supplementaries, which I think lend themselves to being answered together by the Hon. Minister, if the chair should...? Thank you.

Mr Speaker, can the Minister tell this House whether the specific speed cameras have now been chosen, whether they have been ordered, and importantly, whether on ordering these speed cameras – if that in fact is the case – these are not installed by the specialist provider of this very special, very sophisticated equipment, rather than being installed by the technical team present here in Gibraltar?

Hon. P J Balban: Mr Speaker, the equipment is actually already procured and is actually in Gibraltar waiting to be installed. (**A Member:** Hear, hear.) So, as I said, it is just a question of time now before they are on our roads.

As to the second part of the supplementary, the technical team in the UK which will be responsible for installing the equipment for us require a certain amount of data to be provided. So there is a liaison between our team and their team and that is what I was referring to earlier.

Hon. S M Figueras: And finally, I think, Mr Speaker, what sort of data is it that the specialist team in the UK requires to assess before coming out and painting the lines on the road and setting up the camera?

Hon. P J Balban: Mr Speaker, the specifics I am not aware of. I am not a technical person myself with regards to this project. I can find out what is required and come back to him. (*Interjection*) So, Mr Speaker, as I say, I am not a technical person in this respect and so I am not exactly sure what data is required. But, as I said, what was going to happen initially, the thoughts of the Department were that this would be able to be done locally and so they have actually gone down that step. The truth is that it is not as easy as painting lines in certain locations. The data has to be correct and we are working with the company in the UK before they come over to finally set up the speed camera system.

Hon. S M Figueras: Mr Speaker, with your indulgence just one more very quick supplementary. Can the Hon. Minister say whether the community can expect to see fixed speed cameras deployed on our roads before, say, the end of September?

Hon. P J Balban: Mr Speaker, I expect that they will be in position well before that, but I would not want to risk giving him a date, because everything is taken when we ask for a date. If we succumb to giving a date, then we are actually held to a date and there are many factors and many reasons why projects and things cannot be completed by a certain date, which are beyond and above our control. So it is very difficult to give certain dates, but it is the Government's intention to have these systems operational as soon as possible. We have already started this operation, as you well know. We have these speed limit indicators, which are the first step of that process. It is informing people of the speeds that they are currently driving in Gibraltar to make them aware so they can reduce their speed. So it is Government's intention and we are very keen to see this project off the ground and up and running.

Q378/2015

**Draft Sustainable Traffic Transport and Parking plan –
Suggestions by the public**

Acting Clerk: Question 378/2015, the Hon. S M Figueras.

1705 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport provide a list of all initiatives suggested by members of the public during the consultation – the second consultation, or it could have been the third or fourth – following the publication of the draft Sustainable Traffic Transport and Parking plan detailing, in respect of each suggestion, whether the recommendation is being accepted or rejected and the reasons for such acceptance or rejection?

1710 **Acting Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, in response to the consultation exercise on the draft Sustainable Traffic, Transport and Parking Plan (STTPP) summary document, a database of all responses received is currently being developed. The database will set out the issues and suggestions raised by members of the public and how these have been considered and addressed as part of the work to complete the final version of the STTPP document.

A summary of the consultation responses will also be included with the final STTPP as an appendix. It is expected that this document will be completed in the following months.

1720 **Hon. S M Figueras:** Mr Speaker, the Hon. Minister comes to this House month after month, and on the same issue tells us that things are happening, but actually he does not tell us what precisely is going on and how it is that all this consultation and the involvement of the public, all of which is good, none of which is being criticised, perhaps beyond the extent of at some point you need to know when to stop – (*Laughter*) We all know it is good and we know that the public is contributing and that there are many ideas and many suggestions and all these are being taken on board, and God knows they must be significant because it takes its time to get processed.

1730 I ask the question, Mr Speaker, and the answer that the Hon. Minister gives is that the information is being processed. Well, Mr Speaker, what pray tell is the purpose of attending this House, filing questions giving the notice that we do, to then arrive at the session without the information having been processed within that timeframe to be provided to us in this House? I understand that there are processes involved in dealing with all this information, but, Mr Speaker, I do not think it is unreasonable of me or anyone else on this side of the House to expect that a certain amount of information at the very least could be provided.

1735 Mr Speaker, I will draw your attention to the example of a question that I asked last year of the Hon. the Deputy Chief Minister in relation to applications for licences for construction and, as I recall, it was in relation to tobacco licences. It was a comprehensive amount of information that was provided to me within the five days' notice that I had given. I fail to understand, Mr Speaker, and I would ask the Minister to reflect on what I have said and to commit to providing me with the information, in correspondence when I request it, within the next week or two Mr Speaker, because surely what is the purpose of the Parliament if not?

1740 **Mr Speaker:** You have asked the question. We will move on.

Hon. S M Figueras: Thank you, Mr Speaker.

1745 **Hon. P J Balban:** Mr Speaker, first and foremost, I am extremely glad that the opposition thinks that seeking the advice of the public is something very good (*Banging on desks*) and I think we agree to that, and this is our policy (*Interjections*) and our intention is to continue down the route in most things that we do.

1750 The Hon. Member... what he is expecting from us is for us to get all the information that has been collated from the persons giving us their views or their complaints or their opinions and, just because he has asked the question, give him that part of the document because that will become part of the document itself. So I do not see why we should hand the hon. Gentleman part of the document before it is ready to go out to public.

1755 Just to get an idea of what people are saying, for example, one comment which has come up on a number of occasions is the lack of pedestrian safety, as we mentioned many times in Parliament, around the Trafalgar Interchange area. People want some consideration to be given to pedestrians to cross the road at Ragged Staff, and this is something which in fact we are not waiting for the document to be finished; this is

something which is so clearly blatant and should have been so clear to the Opposition when they set up the Trafalgar Interchange that we are going to go ahead with it, but – (*Interjection*)

Mr Speaker, the important thing –

Chief Minister (Hon F R Picardo): ‘Shut up and sit down!’ It was expressed in that... [*Inaudible*] ‘Daniel, shut up and sit down!’...

Hon. P J Balban: Anyway the Government has invested a lot of time on a project which is going to be an excellent project. It will change the way that we look at traffic in the future. I mean we have progressed a long way. This is such a thorough document that it has taken its time compared to what we were presented with during the Opposition’s term of office, which was just a few sheets of paper, and that was the traffic plan.

The document you have seen already which is that glossy part of the plan is already an insight as to what the document itself will present, but more than that, it will be a volume of information including the statistics and research information which will not interest everyone. So the document is extremely thorough. You will see when you actually receive a copy, when it is out, the reasons why it has taken its time. These things will not be rushed. It is our intention... This was a key – (*Interjections*) (**Mr Speaker:** Order!) Rushed to make sure that things are done correctly... This is what we are doing and you will see when the document is ready, I am sure you will praise us for it just like you were praising us on a number of issues regarding this aspect.

Hon. S M Figueras: You see, Mr Speaker, I am grateful to the hon. Minister for acknowledging that I will praise where praise is due, because I do not have an issue doing that, you see, because I am on this side of the House and not that one. I do not have a problem praising the Minister or any other Ministers for work done well. I have no issue with that, Mr Speaker.

What I do not accept, Mr Speaker –

Mr Speaker: Ask the question.

Hon. S M Figueras: I will ask a question, Mr Speaker, but I do need to preface it by saying just a couple of things, if the Chair will indulge me the opportunity?

Mr Speaker, I do not agree with the hon. Minister saying they are moving fast to deal with some of the issues highlighted in the draft plan. They have taken four months to start working on a pedestrian crossing at Ragged Staff. That, frankly, is hardly lightning speed and that, Mr Speaker, turned into a roundabout and the eradication of 30 parking spaces outside St Joseph’s School is the sum total of all activities by this Government in the context of traffic!

Mr Speaker: I really fail to see –

Hon. S M Figueras: Sorry, yes, the question.

Mr Speaker: – what all that has to do with the question that the Member put on the Order Paper.

Hon. S M Figueras: Yes, Mr Speaker, then the question that I would ask is –

Mr Speaker: You are introducing new material, you are debating. Please, ask short, simple questions and try and get answers, which is the purpose of Question Time.

Hon. S M Figueras: Yes, Mr Speaker.

I would ask him two things. I would ask him to look at the question again, which asks, ‘Could the Minister for Transport provide a list of all initiatives suggested by members of the public during the consultation conducted following the publication of the draft plan, detailing in respect of each whether the recommendation has been accepted or rejected, and the reasons for such acceptance or rejection?’

I am not asking, Mr Speaker, for the details, statistical analysis, reports, findings and everything else that they may be creating for this final draft of the plan; I am asking just for that information.

Secondly, Mr Speaker, I will ask the hon. Minister whether he does not feel compelled by the fact that the question is asked in this House to provide that information when he is asked to provide it.

A Member: [*Inaudible*]... the original question that he is asking... [*Inaudible*] (*Interjections*)

Mr Speaker: I hope the Minister will not repeat the whole answer to the whole of that question, because it is not a supplementary, it is the same question being asked again, which I think establishes some sort of – (*Interjections*) It is establishing some sort of a precedent.

1820 **Hon. S M Figueras:** With respect, Mr Speaker, I had sought to clarify what the question was seeking, which is not what the answer dealt with. (*Interjections*)

Hon. P J Balban: Mr Speaker, I refer the hon. Gentleman to the answer already given. (**Several Members:** Hear, hear.) (*Banging on desks*)

1825 **Hon. S M Figueras:** Mr Speaker, yes, and in respect of the question of whether he feels compelled or not to provide the information requested properly in this House by a Member of it, would he say whether he feels compelled to provide the information or not because he has failed on this occasion, as on so many others, to do so?

1830 **Hon. Chief Minister:** Mr Speaker, the Government gives a huge amount of information and publishes more information than has ever been published by any Government in the history of Gibraltar.

On this particular occasion the hon. Member has given a full answer; he has indicated when more information is going to be available.

1835 Mr Speaker, we are implementing a traffic plan. Already people can see the differences on our roads. The hon. Gentleman is even not negative about it. All that is happening is he is going to have to wait a bit longer for information. Can I ask him to vent his frustrations elsewhere and not in this House in relation to questions?

1840 **Hon. S M Figueras:** Mr Speaker, with all due respect to the Chief Minister, this is *the* place to vent frustrations in relation to traffic policy, is it not? (**Several Members:** Hear, hear.) (*Banging on desks*)

Q379/2015
Government vehicles –
Non-polluting engines

Mr Speaker: Question 379.

Acting Clerk: Question 379/2015, the Hon. J J Netto.

1845 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many vehicles – (*Interjections*) Should I start again? (*Interjections*)

Mr Speaker: I am going to ask that the temperature of the air conditioning be lowered. It might help hon. Members! (**A Member:** Hear, hear.) (*Laughter*)

1850 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many vehicles of the Government fleet of vehicles have now been purchased since the arrival of the present Government which are powered by non-polluting engines, stating the type and to which Department such vehicle has gone to, the year in which it was purchased and what percentage this represents from the total fleet of Government vehicles?

Acting Clerk: Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

1860 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, no other vehicle powered by a non-polluting engine has been bought other than the G1 since the above-mentioned questions were asked.

1865 All vehicles that have been bought since then have either 100% petrol or 100% diesel internal combustion engines, or a hybrid petrol or hybrid diesel combination of an electric motor with an internal combustion engine and therefore do not have non-polluting engines.

Q380/2015
Transshipment of LNG –
Safety requirements

Acting Clerk: Question 380/2015, the Hon. J J Netto.

1870 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port provide Parliament with all the safety requirements asked by officials of the Government for the recent transshipment of LNG in the Bay of Gibraltar with the consequent information provided by the owners of the gas carriers?

Acting Clerk: Answer, the hon. the Minister for Transport, Traffic and Technical Services.

1875 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, any STS transfer, including that of LNG, in Gibraltar has to comply with all relevant IMO maritime conventions as well as our own stringent vetting procedures.

1880 Operations were organised by a locally-licensed STS organiser and followed a rigorous pre-transfer vetting procedure by the Bunkering Superintendent, which included an extensive safety checklist. The Bunkering Superintendent, during a physical inspection, then reviewed the completed safety checklist with the person in overall advisory control and cargo officer of the supplying vessel, to ensure that all safety precautions were being adhered to.

1885 The STS organiser also provided mooring plans, a risk assessment and a GPA-approved person in overall advisory control. The owners and managers of the vessels involved in the STS operations were Accelerate Energy and Fendercare Marine UK Ltd, and confirmation was provided by each entity that they were satisfied that all procedures and requirements had been met before the operation was finally approved by the GPA's Bunkering Superintendent.

1890 **Hon. J J Netto:** Mr Speaker, the hon. Minister did say as part of his answer that there was a risk assessment being carried out – that was part of the answer provided. Can the Minister provide Parliament with copies of the risk assessment?

Hon. P J Balban: Mr Speaker, no, that is not possible. These are commercial in nature.

EDUCATION AND JUSTICE

Q381/2015
Supply teachers and staff –
Details and reasons for contracts

Acting Clerk: Question 381/2015, the Hon. E J Reyes.

1895 **Hon. E J Reyes:** Mr Speaker, can the Minister for Education provide details of how many 'supply teachers' or 'supply auxiliary staff' are currently engaged by the Department of Education, indicating at what educational establishment they are based, together with the reasons why their employment is necessary, and estimated temporary contract time?

1900 **Acting Clerk:** Answer, the hon. the Minister for Education and Justice.

Minister for Education and Justice (Hon. G H Licudi): Mr Speaker, the information requested is set out in the schedule which I now hand the hon. Member.

Schedule to Question 381 of 2015

Table 1 - Supply Teachers

	Number of supply teachers at each school	School	Reasons for cover	Estimated length of contract
1	1	Governor's Meadow First	large intake/ pupil numbers	11 months
2	2	Governor's Meadow First	large intake/ pupil numbers	11 months
3	3	Governor's Meadow First	maternity	11 months
4	4	Governor's Meadow First	to meet optimum class size in sector	7 months
5	1	St. Joseph's First	maternity	7 months
6	2	St. Joseph's First	to meet optimum class size in sector	11 months
7	3	St. Joseph's First	large intake/ pupil numbers	11 months
8	4	St. Joseph's First	maternity	11 months
9	1	Notre Dame First	large intake/ pupil numbers	7 months
10	2	Notre Dame First	maternity	11 months
11	1	St. Mary's First	large intake/ pupil numbers	11 months
12	2	St. Mary's First	large intake/ pupil numbers	11 months
13	3	St. Mary's First	large intake/ pupil numbers	7 months
14	1	St. Paul's First	to meet optimum class size in sector	7 months
15	1	St. Joseph's Middle	to meet optimum class size in sector	7 months
16	2	St. Joseph's Middle	maternity	7 months
17	3	St. Joseph's Middle	maternity	4 months
18	1	Sacred Heart Middle	to meet optimum class size in sector	7 months
19	2	Sacred Heart Middle	maternity	7 months
20	3	Sacred Heart Middle	long term illness	7 months
21	4	Sacred Heart Middle	maternity	10 months
22	5	Sacred Heart Middle	to meet optimum class size in sector	7 months
23	1	St. Anne's Middle	maternity	8 months
24	1	Hebrew Primary	large intake/ pupil numbers	11 months
25	2	Hebrew Primary	maternity	4 months
26	1	Bayside	sabbatical	11 months
27	2	Bayside	to meet subject demand (IT)	11 months
28	3	Bayside	maternity	11 months
29	4	Bayside	to meet optimum class size in sector	11 months
30	5	Bayside	to meet subject demand (mathematics)	11 months
31	6	Bayside	maternity	11 months
32	7	Bayside	to meet optimum class size in sector	11 months
33	1	Westside	maternity	8 months
34	2	Westside	to meet optimum class size in sector	7 months
35	3	Westside	sabbatical	11 months
36	4	Westside	maternity	7 months
37	5	Westside	maternity	11 months
38	6	Westside	maternity	7 months
39	7	Westside	maternity	4 months
40	8	Westside	maternity	4 months
41	9	Westside	maternity	4 months
42	10	Westside	to meet optimum class size in sector	7 months
43	1	College	to meet subject demand (ASDAN)	11 months
44	2	College	to meet optimum class size in sector	11 months
45	1	will vary	short term absences	Not fixed-less than 3 months
46	2	will vary	short term absences	Not fixed-less than 3 months
47	3	will vary	short term absences	Not fixed-less than 3 months
48	4	will vary	short term absences	Not fixed-less than 3 months
49	5	will vary	short term absences	Not fixed-less than 3 months
50	6	will vary	short term absences	Not fixed-less than 3 months
51	7	will vary	short term absences	Not fixed-less than 3 months
52	8	will vary	short term absences	Not fixed-less than 3 months
53	9	will vary	short term absences	Not fixed-less than 3 months
54	10	will vary	short term absences	Not fixed-less than 3 months
55	11	will vary	short term absences	Not fixed-less than 3 months
56	12	will vary	short term absences	Not fixed-less than 3 months
57	13	will vary	short term absences	Not fixed-less than 3 months
58	14	will vary	short term absences	Not fixed-less than 3 months
59	15	will vary	short term absences	Not fixed-less than 3 months
60	16	will vary	short term absences	Not fixed-less than 3 months
61	17	will vary	short term absences	Not fixed-less than 3 months

Schedule to Question 381 of 2015TABLE 2 - Music Instructors

Music Instructors	School	Type of Cover	Estimated length of contract
1	Bayside	Provision of subject specialism	3 months
1	Westside	Provision of subject specialism	9 months
1	Hebrew Primary	Provision of subject specialism	9 months
Same person as at Hebrew Primary	St Martin's	Provision of subject specialism	9 months

Schedule to Question 381 of 2015Table 3 - Learning Support Assistants

SCHOOL	NUMBERS	REASONS FOR EMPLOYMENT	ESTIMATED TEMPORARY CONTRACT TIME
Bayside	1	Temporary extra SEN needs support(f/t)	3 months (from April – July)
Westside	1	Temporary extra SEN needs support (p/t)	3 months (from April – July)
St. Martin's	3	Temporary extra SEN needs support (f/t)	7months(continuing from January) 3 months (April – July) 3 months (April – July)
Notre Dame	1	Temporary extra SEN needs support (f/t)	7 months
St. Mary's	1	Temporary extra SEN needs support (p/t)	7 months (continuing from January)
Notre Dame Nursery/ Varyl Begg Nursery (split)	1	Temporary extra SEN needs support (f/t)	3 months for Notre Dame Awaiting a permanent appointment due to previous long term sickness
College	1	Cover a new SEN course.	7 months
Governor's Meadow	1	sickness (p/t)	Awaiting new permanent appointment due to previous long term sickness
Notre Dame	1	sickness (f/t)	unknown
Bishop Fitzgerald	2	Temporary extra SEN needs support (p/t) and (f/t) sickness (f/t).	3 months (April – July) Possibly 16/6/15
Hebrew School	1	Temporary extra SEN needs support (p/t)	3 months.(April – July)

Schedule to Question 381 of 2015TABLE 4 - Auxiliary Staff

POST	SCHOOL	HOURS PER WEEK		REMARKS
Assistant (Art & Design)	Bayside	30	No change	In the process of being recruited vacancy advertised 10.04.15.
Bus Escort	Notre Dame	18.75	No change	Special Needs Pupil requiring Escort.
Senior Technician	Gibraltar College	17	No change	Secondment to GFA
3 x Part Time Cleaner	2 x St Joseph's First 1 x Hebrew	20	Change	8 Part-time Cleaner posts have been filled on 02.02.15. 3 are in the process of being recruited This vacancy has arisen as a result of the previous 37 hr cleaning post vacancy which has now been filled. Vacancy advertised 10.04.15
1 x Part Time Cleaner	St Martin's	30	Change	

Q382/2015**Health and safety in schools –
Provision of 2014/2015 reports**

Acting Clerk: Question 382/2015, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Education please provide Parliament with copies of all health and safety reports prepared during 2014 and 2015 in relation to all schools?

Acting Clerk: Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice (Hon. G H Licudi): Mr Speaker, health and safety reports are prepared by schools and submitted to the Department of Education almost on a daily basis as part of the repairs and maintenance schedules. Issues relating to health and safety will be identified as such and prioritised by the Department of Education.

These are internal documents issued by all the schools as part of the internal mechanisms developed by the Department of Education. It is not intended to make these working documents public, nor, I am advised, has it ever been the practice of any administration to make such documents public.

CHIEF MINISTER

Q389/2015

Money lending licences – Details of current licensees

Acting Clerk: Question 389/2015, the Hon. D J Bossino.

Hon. D J Bossino: Can the Chief Minister please state how many money lending licences are currently in issue, with details of the name of the licensee, date of issue and expiry?

Acting Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am very pleased to say the hon. Gentleman and I have discussed this question and the answer I am about to give a few moments ago.

The details requested, Mr Speaker, are not in the public domain but I am prepared to provide these details on a strictly confidential basis if the hon. Member agrees. There are 16 money lending licences currently in issue.

Hon. D J Bossino: I am grateful to the Chief Minister for at least making the number public – the amount public – and I am willing to accept that that information on a confidential basis... although I fail to understand why it is, in fact. He says it is not publicly available and that may be true but, indeed, when entities are granted licences you just need to go... Money lending? I am not too sure.

For example, under the financial services regime you have listed the entities which have received the various licences or indeed even trade licences, you need to actually have it in your premises. So it is just odd that this should be subject to confidentiality. Maybe he can give me some information as to why that is the case?

Hon. Chief Minister: Mr Speaker, the fact is that this is a very old Act and it pre-dates both of us being around on this earth, let alone actually, I think, even being in this Parliament.

The fact is that there is no reason at first blush why this information should not be public, but there are a number of licensees. In the time available I have not had an opportunity of asking that an exercise be done of speaking to the licensees and asking them whether they have any difficulty in their licence being made public.

The people who make up this list, in some occasions, have actually set up shop and have shop fronts where they say that they are moneylenders and they probably have their licence exhibited in their premises. Therefore, in principle, those are likely to say they have no difficulty, but I do not want to provide something publicly that has never been provided before, without everybody who is on the list having been told.

So if he will bear with me I will give him this information on the basis that I have said and happily look into whether this should be something that can be provided publicly in the future in this House or even perhaps on a register which is maintained on a website. For some reason this is still done by the Ministry for Finance, not by any other entity, but it is something that, at first blush, I agree with him – there is no reason why it should not be made public.

But, given the finite number of licensees, I think it is appropriate to have a conversation with each of them which is not controlled by the Government and ensure that publication is not going to affect anybody's business in any adverse way.

Even if one of them were to say, 'Well, look, we really wouldn't like the thing published,' we may then have to take a decision to do it anyway, but I think it is something to consider in slower order.

EDUCATION & JUSTICE

Q381/2015 continued –
Supply teachers and staff –
Details and reasons for contracts –

Acting Clerk: Question –

1960 **Hon. E J Reyes:** Mr Speaker, is it a convenient time for me to place a supplementary question to the Minister for Education in respect of the schedule he gave me for Question 3 –

Mr Speaker: I am a bit lost. I really do not know which is the next –

1965 **Hon. E J Reyes:** Mr Speaker, when the Minister answered my Question 381 he passed round a schedule and, following an established practice which I think both sides of the House have agreed to, you carried on with the next question. I am asking is it now a convenient moment when I may ask the Minister for Education my supplementary?

1970 **Mr Speaker:** [*Inaudible*]... question.

Hon. E J Reyes: Yes, can I refer the Minister for Education to the schedule he gave me? I hope I can explain myself.

1975 On the first columns, Mr Speaker, it says, ‘Number of supply teachers at each school.’ Then it says ‘(1) Governor’s Meadow First School, (2) Governor’s Meadow First School, (3) Governor’s Meadow First School, (4) Governor’s Meadow First School.’ Is that a simple chronological number, saying that there are four different teachers or is it a total of 10 teachers because one plus two plus three plus four is 10?

The same applies when you look at all the other schools. Perhaps the nomenclature for the column is incorrect. Can I have that first clarification?

1980 **Minister for Education and Justice (Hon. G H Licudi):** Mr Speaker, it is, as I understand it, the same nomenclature that has been used when the question was previously asked, which I believe was back in January. But it is simply a chronological statement: teacher number 1, teacher number 2, teacher number 3, teacher number 4. That is all that it means.

1985 **Hon. E J Reyes:** Yes, I thought so. I needed you to clarify that.

Then, Mr Speaker, at the bottom of that page, the last 17, where it says the school will vary and it is to cover short-term absences and not fixed... less than three months is a period – one takes it to be for the term.

1990 Because the school is not fixed and so on, this logically says that it will vary on a day-to-day basis according to just short-term absences and so on, am I correct in assuming that these teachers have to report daily to the Department of Education from where they are deployed and, hypothetically, if there are not 17 teachers who are suffering from bad headaches or influenza or whatever that day, what happens to that teacher? Is she then dismissed for the day or are they usefully employed as an additional support in some other school?

1995 In other words, are those 17 guaranteed that every day they will have some duties to do or is it that they turn up *ad hoc* and will be told, ‘Yes, today you are needed’ or ‘No, go elsewhere and have a coffee because your employment is not necessary today’? Is the Minister aware of that situation?

2000 **Hon. G H Licudi:** Yes, Mr Speaker, and the position is exactly the same as it was when the hon. Member was at the Department of Education. Teachers do not attend on a daily basis and, in fact, the answer says ‘not fixed’ because it is less than three months.

2005 The hon. Member will recall that we gave a commitment that whenever there was a need for somebody to be engaged for at least three months they would be given a fixed-term contract, rather than an *ad hoc* casual arrangement like the hon. Members used to have with the supply teachers, with no employment rights, no pension, no security of tenure. We changed all that when we came into office. That is why you now have estimated lengths of contracts of seven months, 11 months, four months etc.

2010 Where the need is for less than three months because a teacher might be ill with the flu for a week, then there is a supply list and, as the hon. Member knows, there is somebody in charge – of the Department of Education – of assessing the needs of particular schools or all the schools almost on a daily basis, and calling up teachers who are on the list and who do not have fixed-term contracts because they have not been

engaged for at least three months, and then asking them whether they can go to a particular school to cover that absence.

It is all to cover short-term absences of a few days, a week, a couple of weeks. The list shows the number of people who were actually engaged. This is not a list of supply teachers, this is a list of supply teachers who were engaged, because the question was, 'How many are *currently* engaged?' So this is the list of those who were currently engaged, doing work as supply workers – some on fixed-term contracts, some without fixed-term contracts but just covering absences on that particular day. So this is not just a supply list, this is a list of persons who were actually engaged on the day that the list was compiled.

Therefore these teachers would have been told, 'You are needed in Bayside for a week,' or 'You are needed in Sacred Heart to cover this particular short-term absence,' to the extent that there is a greater list without particular needs on a particular or couple of weeks or a month... Then those teachers will not be sent to any school where there is no need, they will simply wait to be called and to be allocated work on an *ad hoc* basis.

As the hon. Member will see – and a stark difference to the position that the hon. Members used to have – the vast majority of the teachers... in fact we have 44 teachers currently – when I say currently I mean on the day this was prepared – with a fixed-term contract. On the supply list – not just on the supply list called on an *ad hoc* basis, but with fixed-term contracts of varying months – and then an extra number... an extra 17, as it was on that particular day, who were called to cover short-term absences without a fixed-term contract because those short-term absences were expected to be for less than three months.

Hon. E J Reyes: Yes, it does clarify. However, Mr Speaker, those 17 there – not fixed because they are less than three months and so on – in that list it could include teachers who are retired and are now coming back to help to cover the demand for short-term supply. So not all of them are necessarily looking towards obtaining a longer-term contract. They are just those teachers who, because of their vocation and so on, do not mind being called up occasionally and... said, 'Look, someone has had to go to the doctor. He has been given a medical certificate for the next five days,' and they are called in.

Especially, Mr Speaker, the Minister might be aware when you get to secondary school levels and so on where what you require is more specialist, it is not just a question of sending a teacher, but if, hypothetically, someone is absent who normally teaches an examination class in French then there would be absolutely no point in sending me to that classroom to cover because I do not even know enough words in French to string up a sentence. So it is in many ways subject related.

If he does not have the information it does not matter. Just, should next I pose a similar question then perhaps the Minister could look into that possibility, because not all those then are necessarily looking for employment.

I take note that the Minister said this is like a snapshot taken on a particular day. If that is the case, perhaps somewhere in the answer it should say, 'This is as of this day,' or 'as at that week or term.' It does help the situation. Otherwise when one looks back on the records, having asked this in the summer term, I could easily interpret in a few months' time that this is a situation that reflected the whole term, rather than just to a particular day.

Hon. G H Licudi: Mr Speaker, there is no question of the hon. Member being able to look back and thinking that this reflects the position of the whole term. I just said that the question is, 'How many are currently engaged?' The hon. Member will know when he posed the question, when the answer was given and therefore 'currently' means within that window, not over a whole term. There is no other possible interpretation of the word 'currently'.

As regards the hon. Member's question as to whether this could include retired teachers, the answer is, yes, it can include supply teachers. My understanding is that generally teachers when they retire, they retire and they do not generally want to go on the supply list. I can think of one or two that have been doing some work after their retirement, but that is really a minority.

The hon. Member will find that the very vast majority of those on the supply list are teachers who are qualified and looking for permanent employment rather than retired teachers – although there is the odd occasion when a retired teacher will come in to fill in a particular gap and, as the hon. Member has said, there might be a specialist that is required on a particular occasion who cannot be found on the supply list and then a retired teacher might come in to cover that very short gap that might be needed.

DEPUTY CHIEF MINISTER

Q398/2015

**European Parliament and European Commission –
Update from Deputy Chief Minister**

2065 **Acting Clerk:** Question 398/2015, the Hon. D J Bossino.

Hon. D J Bossino: Can the Deputy Chief Minister provide details of what issues were discussed at his recent European Parliament and European Commission meetings to include who he met at those meetings?

2070 **Acting Clerk:** Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker, my last visit to Brussels was from 13th to 16th April. The main subjects for discussion during the visits were civil aviation, taxation and border delays. I met with Commissioner Dimitris Avramopoulos who is responsible for migration and border management. I also met with 12 MEPs from six different political groups.

Hon. D J Bossino: Mr Speaker, can he provide more details? He mentions those topic areas – for example, one of them, which is really very relevant, would be the matter of civil aviation and certainly the problems at the border. In fact the press release issued by the Government referred to taxation, aviation and freedom of movement.

Can he give more particulars in relation to what precise issues were discussed under those broad headings?

Hon. Deputy Chief Minister: Mr Speaker, yes, in relation to civil aviation the discussion was obviously to do with the attempts to exclude Gibraltar from the application of EU civil aviation legislation. So many of the meetings with MEPs centred on... or many of the MEPs were vice-presidents on the Transport Committee or the spokesmen of political groups on the Transport Committee who we felt needed to be briefed from the Gibraltar perspective.

In relation to freedom of movement, obviously this was the ongoing Commission investigation into the border and this was mainly discussed with the Commissioner himself but also with several Members of the European Parliament as well.

The third issue was taxation. The hon. Member may be aware of the new Tax Committee which the European Parliament set up following the Luxembourg leaks scandal. That was the issue that was discussed in relation to taxation.

CHIEF MINISTER

Q399/2015

**Civil Service –
Development of training programme**

2095 **Acting Clerk:** Question 399/2015, the Hon. D J Bossino.

Hon. D J Bossino: Can the Chief Minister provide details of the training programme which he claims is being developed for the Civil Service?

2100 **Acting Clerk:** Answer, the Hon the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, Her Majesty's Government of Gibraltar has recognised the need to develop its employees so that they are fully-equipped to deliver a satisfactory service both now and in the future. A training and development section has been created within the Human Resources Department to identify and cater for the appropriate training and development of staff, in order to ensure that public servants have the necessary knowledge, skills and behaviours to meet both their and their public service objectives both in the short and the long term.

Links have been established Civil Service Learning – that is a proper name, the Civil Service Learning – in the United Kingdom and together with the Human Resources Department will be providing training workshops and seminars. These will range from inductions in customer care to more in-depth management

and leadership courses and other courses that may be oriented towards specific skills required within certain areas of the service. This will assist in ensuring that an enhanced and specialised service is provided to our service users and the general public.

2115 Additionally, we are pursuing exchanges of the Civil Service Organisations of other overseas territories, the United Kingdom and the EU service training bodies.

So, Mr Speaker, as the Hon. Member will see from this answer, this is not just a 'claim' as his question states, but a reality which has been warmly welcomed by the public sector. I have no doubt the private sector will welcome these initiatives also.

2120 All in all this demonstrates our commitment to provide opportunities for meaningful training and career development within the public sector as a whole. I am very happy to be offering these opportunities and trust that we will enjoy the support of the whole House in doing so.

Hon. D J Bossino: I did not use that word 'claim' in a negative way, but of course it had to be the Chief Minister who picked up on it and had to make a comment in relation to it.

2125 All the information which he has provided to us just now, basically is that the end product in terms of the training programme? The reason why I ask this is because he is quoted in the press as saying that this is only the tip of the iceberg of the programme that is being developed by the Chief Secretary. So is there more to come by way of development which is presumably being undertaken by the Chief Secretary?

2130 **Hon. Chief Minister:** Indeed, Mr Speaker, this answer has been prepared by the Chief Secretary and there is much more to come. For example, when I am telling him that we are now working with Civil Service Learning and that is an organisation – there is an organisation called 'Civil Service Learning' in the United Kingdom – we are working with them and therefore tapping into everything that *they* offer to the United Kingdom Civil Service, which is now also available to the overseas territories. Other overseas
2135 territories have some things which we may be able to learn from and there is now contact between the overseas territories on what it is that we can do.

The exchanges which will start will be starting. They will continue. So this is the beginning of what I hope will be something that endures over many different administrations of whatever partisan complexion they may be.

Q400/2015

New advisory council for strategic economic goals – Details

2140 **Acting Clerk:** Question 400/2015, the Hon. D J Bossino.

Hon. D J Bossino: Can the Chief Minister provide details relating to the new advisory council for strategic economic goals to include who will participate in the main and subcommittees?

2145 **Acting Clerk:** Answer, the Hon the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, Government Press Release 268 of 2015 sets out the thinking behind the establishment of Gibraltar 2025 in partnership. More details of who will participate in the main and subcommittees will be announced when the Government has completed the process of
2150 approaching relevant individuals. The process has begun, but is not yet complete.

Q383-388/2015 and Q390-93/2015 – Written answers provided

Chief Minister (Hon. F R Picardo): Mr Speaker, at that stage without waiting for the adjournment, I should inform the House that Questions 383-388/2015 and Questions 390-93/2015 are to be answered by Minister Bossano, who, as we know, is not in the Caribbean, but in South America, in Nicaragua, dealing
2155 with the issue of the UN seminar which he traditionally deals with; therefore he will not be able to provide the answers during *this* session of Parliament. Under Standing Order 16 the answer can be provided either in writing all the next meeting of the House of the election of the questioner.

I have the written answers with all the information ready to pass.

Hon. D A Feetham: Mr Speaker, I would ask that Mr Speaker rules on this particular point because it is an important point of principle. Mr Speaker, before I get to it, let me just say that the Opposition has attempted to be as reasonable as it possibly can in relation to this. I have agreed that some of my questions can be answered in writing, Mr Bossino has agreed that his questions can be answered in writing, and indeed, Mr Reyes has also agreed that his questions can be answered in writing.

However, there are six questions, and indeed I can whittle it down to five questions in relation to Gibraltar Investment Holdings Ltd and when the Gibraltar Savings Bank provided loans to that company, which is highly relevant to my speech during the Budget, and therefore I require that Mr Bossano answer them orally. The reason why I say 'require', Mr Speaker, is because the Rules cannot, in my respectful submission, be interpreted in the manner that the Chief Minister wants them to be interpreted, which is – and it amounts to this – that any Government can really take the view, because of the absence of a particular Minister in this House, to effectively choose not to answer a particular question orally, have that question answered in writing or alternatively been adjourned to the next session of the House, and that could be highly relevant to the questioner, because of course it is highly relevant to me here because I need the information for preparation for my Budget speech.

The Rules... and I do not think that is what the Rules actually provide and I have never come across a situation where the Government says, 'We are not answering this question orally. You can either have it in writing or alternatively you can wait', simply because the Minister is not here to answer questions.

The relevant provision is 16(2), and it says:

'If any question remains unanswered when the Parliament adjourns on the last day of a meeting, a written answer shall be sent to Members who put the question.'

What this means is that when it says, 'if any question remains unanswered', what that is getting at is a situation where, for example, the information is not available – not because the Minister is not here to answer questions. There are nine other Government Ministers who could answer or alternatively it could be adjourned to next week or in two weeks' time. It is if the information is not available.

I know when he talks about 'Parliament adjourns', it is an adjournment *sine die*, and what I would urge on, Mr Speaker, is to rule that no, we have to come back in two weeks' time when Mr Bossano is here so that he can answer these six questions, otherwise we are in a situation where, Mr Speaker, for example, in theory, in a month's time – and of course the information is important for me today – Mr Bossano or the Government could come back to this House and say, 'Under Rule 16(2) we are now going to provide you the information because Mr Bossano is no longer here again and you can either have it in writing or alternatively the next session of the House'. It is just a device, Mr Speaker, to delay answering a question orally or to prevent a question to be answered orally.

I do not think that this is what this is designed to do. This is designed for a situation either where, for example, it cannot be answered because... and that is what I have in mind, a situation where the Government does not have the information available, and of course in that kind of situation, if the Government does not have the information, at the end of the session of parliament it cannot answer. So what happens then? It says, 'Right, look, you can either have it in writing in due course or alternatively you can adjourn until next time round and have it in a month's time', but not a situation such as this where we are here, I have posed the question and Mr Bossano is not here. Indeed, some of these questions are questions really that are... if they are all the public finances, they *all* should be capable of being answered by the Chief Minister, who is the Minister with responsibility for the public finances of Gibraltar, and to expect to come back in a month's time when I *need* the questions for my Budget speech, I do not believe is reasonable, nor do I believe that it is a reasonable interpretation of these Rules.

Hon. Chief Minister: Mr Speaker, may I answer those points?

Mr Speaker: Yes.

Hon. Chief Minister: Well, Mr Speaker, most of these questions actually relate not just to the public finances of Gibraltar, but actually to the ministerial responsibility of Mr Bossano – namely the Savings Bank and what has the Savings Bank invested in, etc... the debate that we have every month, Mr Speaker. We have the debate every month, Mr Speaker. We give the information every month, Mr Speaker. In fact, there have been 34 meetings of this Parliament now since the Election – 34.

At this stage, Mr Speaker, in the parliamentary cycle, under the previous Administration of which the hon. Member was a Member, we might have had *nine* meetings, and on the morning of the Budget... on the *morning* of the Budget, we might receive some of the information which we are then expected to reply to; but that is not the situation that we have perpetuated.

Mr Speaker, I might be told sometimes that we were going to be dealing with the Budget a *week* before the Budget came on. At the beginning of this session, I have indicated to hon. Members when the Budget will be. There is one more Question Time to go before the next Budget session and indeed, 72 hours between that Question Time and the Budget.

2220 So if the hon Member were to say to me that he does not want the information in writing, but he wants it at the next meeting of the House, he would still have it 72 hours before he needs to write his speech. But I am not telling him, Mr Speaker, that we are not going to provide him with information. I am telling him I have got the information to provide in writing and ready to hand it over to him. If he wants the information as much as he says he wants it, it is available and we will let him have it in writing, Mr Speaker. That is the most reasonable way to deal with this issue.

2225 If what he wants, Mr Speaker, is to have a *debate* about the subject, then of course he wants somebody to read him the answers so that he can then engage in what *he* thinks is his masterly style of then purporting to cross examine and, he says, gets to the bottom of things which there is no bottom to getting on to. But anyway, Mr Speaker, the information that he says he needs *is* available and is going to be provided to him *in writing*.

2230 This morning, at the end of Question Time, the Government intends to deal with one Bill and adjourn the House *sine die*, Mr Speaker. That is what we are going to do and he can have the answers in writing because in my view the reading of Standing Order 16 could not be clearer. The hon. Gentleman says that the provision of Rule 16(2) which says:

2235 ‘If any question remains unanswered when the Parliament adjourns...’

– means, Mr Speaker, because he says so... *means* when the Government does not have the information and then they can reply to it in writing at any time. Well, Mr Speaker, if the Government does not have the information, the Government may not have the information in order to be able to reply in writing; there is no question of there being a choice.

2240 Mr Speaker, my submission – not my imperative view, because I do not seek to impose views on anyone, as the Hon. Member tells it in the way that he postulates his submission – is that that Rule does not mean that, Mr Speaker. It simply means, for example, that where a Member is not present, the answer can be given. *If* we were trying to avoid giving the information, I would simply have got up here, Mr Speaker, and said, as I could have, ‘It has not been possible in the time available to provide the information’ or ‘in the absence of Mr Bossano it has not been possible to collate the information. We will provide it when we can’ or ‘because Mr Bossano is not here, we will answer at the next meeting’; but that is not what I am saying, Mr Speaker.

2250 I am saying I have the information and I can pass it in writing because Mr Bossano is not available here to answer the questions which the Government considers he should answer. That is all, Mr Speaker, and I ask that you rule that therefore the Government is at liberty to either provide the answers to these questions in writing or that the Member can then seek to go to the next meeting. Of course, Mr Speaker, at the next meeting he can ask the questions again. So if I were advising him – which I would not do because he would disregard what I say to him... perhaps not a bad thing because I would give him good advice and I do not want him to act in keeping with good advice. I want him to continue acting the way that he is acting.

2255 I would say to him, ‘Take the information in writing now for this month and next month ask the question again, because we will give you the information again’. All that 72 hours before you create a speech which I shall look forward to demolishing on the Thursday after you deliver it.

2260 **Hon. D A Feetham:** May I come back?

Mr Speaker: May I be given an opportunity to give some guidance –

2265 **Hon. D A Feetham:** Yes, of course.

Mr Speaker: – and express my own views which I think maybe appropriate.

2270 This is an unusual situation; it is not something that happens very often. If it were to happen very often in that Ministers were to absent themselves from meetings of the House and therefore fail to answer questions, then one would deprecate the practice; but it is very unusual. It is of course for the Government to decide who answers questions, and it may not always be appropriate that another Minister should answer questions because they may be of a highly technical nature and supplementaries may arise which that other Minister might not be able to deal with.

2275 In the past, as I say, I can never remember in all the years when I was in Government that Ministers were ever absent when there was a meeting of the House, but then, in those days it is also fair to say that the House was not meeting for 10 months of the year – virtually every month as we do. Then, five or six

meetings a year were held and every attempt was made to hold those meetings on occasions when they might not clash with commitments which Ministers could have outside Gibraltar; but that is not the situation now. The situation now, the reality is that Ministers are very often away. It is a practice that has developed over the years because of the demands of Government and the demands of the situation in Gibraltar require that that should be the case.

The Hon. Mr Feetham did not read the proviso to Rule 16(2). There is a proviso there, and essentially the proviso is that if the hon. questioner does not want a written answer, he can say, within three days of the adjournment, 'Now, look, I want a question to be postponed to the next meeting of Parliament.' He has explained the problem. He needs this information because he needs it for –

Hon. D A Feetham: A supplementary, sir.

Mr Speaker: It is supplementary information that he needs for the Budget (*Interjections*).

The question could be asked again. I understand that the next meeting of the House will be on 17th – that would give him five days with the weekend in between. If he feels that that is not sufficient, that he does not have enough time if he is provided with that information then, if he feels that that is the case, there is an alternative. The alternative is that he could accept the written answers and having seen what the written answers are, I could suggest that he could then write to the Government with a series of supplementaries requiring whatever other further information he requires, over and above what is given in the written answer. He could pursue that in writing and that might be a reasonable compromise that might meet the problem.

Hon. D A Feetham: Yes, Mr Speaker.

But of course Mr Speaker ignores the history of the way that Government has been answering questions about Credit Finance and Gibraltar Investment Holdings Ltd, and if Mr Speaker thinks that I am here standing up making a point for the sake of making it, I am afraid that he is sadly mistaken. I am making –

Mr Speaker: Have I said anything – (*Interjections*) In what I have said, will the Hon. the Leader of the Opposition indicate what it is that I have said that could give him that impression that he is just standing up to make a fuss? Have I said anything that gives that impression to him? That I am not being respectful of his concerns?

Hon. D A Feetham: Well, Mr Speaker, my concern had derived from the fact that the Government has answered questions in relation to Credit Finance and Gibraltar Investment Holdings in a particular way. I have not seen these answers, but at every single opportunity and at every single stage where I have asked questions, there have always been prevarications, obstacles, the refusal to answer supplementaries, and I suspect that is going to be the position in relation to these questions. So therefore I want to ask supplementaries in relation to these questions, because these are a very important series of questions.

Now, Mr Speaker, with respect – (*Interjection*) No, I am on my feet!

Hon. Chief Minister: I am asking you to give way.

Hon. D A Feetham: No, I am not going to give way as *you* have not given way on numerous occasions where I have asked you to give way. (*Interjection*) No, *you* established a long time ago –

Mr Speaker: Order. Order!

If the hon. Members will not subscribe to the instructions that I give, I am prepared to take further steps if the [*Inaudible*]

May I add one further thing? Of course, in respect of when the House meets, the Speaker has no control over that situation. The Speaker does not call meetings of the House; that is for the Leader of the House to do so.

Hon. D A Feetham: Indeed, Mr Speaker.

But, Mr Speaker, what we are dealing with is questions about the public finances of Gibraltar – that is what we are dealing with. They are questions... Mr Speaker, the Chief Minister says he has the answers. He could very easily give us his answers orally. If I have supplementaries and *he* cannot answer those supplementaries for whatever reasons, he can say, 'I do not have the information' or 'I cannot answer those supplementaries'. I mean there are other ways of proceeding.

I just think that relying on a Rule which is *highly*, highly unusual – I have never come across it, certainly since I have been in Parliament and Mr Speaker says that he has not come across it – where a Government says, 'Yes, okay. There has been an oral question that has been posed for answer, but I am

afraid that the Minister is not here and so we will either give it to you in writing or alternatively you can adjourn to the next month and get it answered the next month'. I think that establishes a dangerous precedent and what I am saying is that this Rule does not allow that, because effectively, when it says, 'If any question remains unanswered', for the Hon. the Chief Minister to be right, the interpretation of this is 'If the Government does not want to answer any questions when parliament adjourn'. That is what he is inviting you to basically hold.

If the Government does not want to answer any question orally and the parliament then gets adjourned, then it has got to be in writing or it goes to the next month. I do not believe that that is a reasonable interpretation of these Rules –

Mr Speaker: May I say –

Hon. D A Feetham: – and I am asking Mr Speaker to give a ruling on this so that we all know where we stand in the future.

Mr Speaker: I think it would be a totally different situation if a Minister was present in Gibraltar and able to attend the meeting of the House and the Government were to refuse to answer that question –

Hon. D A Feetham: Well, Mr Speaker –

Mr Speaker: That would be clearly wrong.

Hon. D A Feetham: Will you give way?

Hon. D A Feetham: The Rules cannot vary in accordance with circumstances. The Rules have an interpretation and what I am saying is that it cannot be in the gift of the Government to refuse to answer the questions, whether it is for –

Mr Speaker: Okay. Let me then make a ruling on the question of when a question remains unanswered. Why might a question remain unanswered? It can remain unanswered because the Minister is not here and the Government considers that they want that particular Minister to deal with the matter; or it remains unanswered because the questioner, the person who has put down the question on the Order Paper, is not here to ask the question.

Those are the only two situations in which, according to the Rules, a question might not be answered. (*Interjections*) The Rules certainly do not provide for the Government to *refuse* to answer a question – that would be contrary to the Rules. (*Interjections*)

Hon. Chief Minister: Mr Speaker, a lot has been said which I think I need to reply to, although you have ruled and the Government of course accept your ruling. But the Hon. Member needs to understand there is no question of the Government accepting that we answered with prevarication, that we put obstacles and that I do not want to deal with these issues.

Mr Speaker, the Hon. Member and I are fresh out of a television debate on the public finances, less than 3½ weeks ago. He said he was very much looking forward to having that debate unconstrained by the Rules of parliamentary debates – i.e. able to do things which we are not able to do in this parliament. Well, I would rather have debates constrained by rules, in particular rules that require one to tell the truth, but anyway...

Is there a dangerous precedent, Mr Speaker? A *dangerous* precedent would be set if, as you rightly say, Mr Bossano were in Gibraltar and we decided *not* to answer; but Joe Bossano is in Nicaragua defending Gibraltar's interests in the United Nations seminar. He is not on holiday on a cruise.

Mr Reyes exempted himself from a meeting of the Parliament because he was on a cruise – so be it (*Interjections*) as it is a matter entirely for him. But the Minister is on important Government business in the national interest.

Mr Speaker, the interpretation of the Rule which the Hon. Member wants to give is a totally self-serving one. Let us be very clear, Mr Speaker. I can get up as Leader of the House whenever I want, halfway through questions. I can get up and say, 'I now move to adjourn the House *sine die*', and then there is no debate and no ruling, and answers are sent in writing or the question can be put at the next parliament (*Interjections*) and I have the majority of votes in this House and the House adjourns *sine die*. (*Interjection*)

Therefore, Mr Speaker, the interpretation of the Rules is not one that changes or that requires ruling, it is an explicitly clear one, which the Hon. Member wants to try and twist to his advantage, and I am very grateful, Mr Speaker, for your ruling because that accords to the Government's –

2400 **Mr Speaker:** Can I say that I have no doubt that the word ‘adjourns’ here... if any question remains unanswered when the Parliament adjourns on the last day of a meeting is an adjournment *sine die*, because otherwise it would not happen on the last day of a meeting. Because if today the Chief Minister were to adjourn the House to 15th June, then on 15th June it is the same meeting and *that* would be the last day of the meeting. Therefore what the Rule is saying is if that happens, then a written answer shall be sent to the Member who put the question, *unless* under the proviso he requests in writing that it should be left to a subsequent meeting. That is what the Rule says and that is clear-cut.

Questions for Written Answer

2405 **Acting Clerk:** Answers to Written Questions, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W37/2015 to W72/2015 inclusive.

Order of the Day

BILLS

FIRST AND SECOND READING

Social Security (Insurance) (Amendment) Bill – First Reading approved

2410 **Acting Clerk:** A Bill for an Act to amend the Social Security (Insurance) Act; and for connected purposes.
The Hon. the Minister for Business and Employment.

2415 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Social Security (Insurance) Act, and for connected purposes, be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Social Security (Insurance) Act, and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

2420 **Acting Clerk:** The Social Security (Insurance) (Amendment) Act 2015.

Social Security (Insurance) (Amendment) Bill 2015 – Second Reading approved

2425 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I beg to move that the Bill for the Social Security (Insurance) (Amendment) Act 2015 be read a second time.

2430 Mr Speaker, the Bill amends the Social Security (Insurance) Act and the Social Insurance (Benefits) Regulations. The Bill introduces changes to Social Security legislation in order to allow for a maternity grant to be claimed on the basis of the social insurance record of a child’s father. The current position is that the mother of the child can *only* claim from her own, her husband’s or her civil partner’s contributions, to the detriment therefore of unmarried couples where the mother has insufficient insurance contributions.

This measure has been proposed as a result of assurances made by the Hon. the Chief Minister in his budget speech of June of last year, that common law relationships be recognised for benefit purposes. For this reason, the Bill has retrospective effect and should be deemed to have come into operation on 30th June of last year.

2435 I will now move, Mr Speaker, to particular clauses of the Bill.

Clause 2(2) amends the principal Act by deleting section 2(4)(d) which states that an illegitimate child shall not be treated as being issue of the child's father. The effect of this, albeit minimal in practice, is that death grants will now be payable in respect of illegitimate children. This amendment was necessary in the context of the other key provisions being introduced.

2440 Clause 2(3) allows a woman to claim a maternity grant on the basis of contributions of the child's father. Subclause (3) also states that a woman shall not be entitled to a maternity grant twice by virtue of her own insurance and that of her husband, civil partner or child's biological father.

2445 Clause 2(4) amends section 27 of the principal Act. Section 27 deals with instances where an employer has failed or neglected to pay any contributions that under the principal Act he is liable to pay on behalf of any employed person, and by reason thereof that person has lost in whole or in part any maternity grant she would have been entitled to.

Clause 2(4)(a)(i) amends section 27(2) so that when the employed person is a man, the child's mother in addition to the man's wife, civil partner, widow or surviving civil partner, will have the same right to recover in respect of a maternity grant lost, as a result of failure or neglect by the employer.

2450 Clause 2(4)(a)(ii) corrects an error with respect to maternity allowance in section 27(2) as maternity allowance, as opposed to maternity grant, can only be claimed on the mother's social insurance contributions in accordance with section 11(a) of the principal Act, not through a husband, civil partner etc, who is in employment.

2455 Clause 2(4)(b) amends section 27(4) so that the child's mother can also bring proceedings within the time stipulated therein.

Clause 2(5) amends section 41(2) of the principal Act to allow for the identity of a child's father to be ascertained or proved on presenting a requisition in writing to the custodian of the register relating to the registration of births, marriages, civil partnerships and death.

2460 Clause 2(6) amends paragraph 1(2)(b) of schedule 3 of the principal Act to redefine the expression 'relevant time' so that it includes the child's father as a relevant person within said definition. The paragraph has also been re-worded in the interest of clarity with no effect on its substance.

Clause 3 introduces a consequential amendment and various savings provisions.

2465 Clause 3(1) makes a consequential amendment to regulation 9 of the Social Insurance (Benefits) Regulations by limiting maternity grants claimed during pre-confinement to cases where the mother has claimed on her insurance contributions or on those of her husband or civil partner. Here, the child's biological father has intentionally been omitted as there are concerns over potential abuse and fraud.

2470 Under regulation EC883 of 2004, foreigners working in a member state are entitled to receive benefits on behalf of the family members abroad, as long as they meet the contributions requirements for that benefit. An agreement with Morocco is also in place which establishes the same practice with that country. The reality of the situation, therefore, is that in cases of pre-confinement where the mother is abroad and seeking a maternity grant on the basis of the contributions of the child's biological father, there is potential for abuse due to there being no way to verify that the man named on the maternity grant claim form is actually the child's father.

2475 The Department of Social Security could require mothers to send a birth certificate to verify the identity of the father once the child has been born, but the Department is concerned that regarding women claiming from abroad, the mother may not bother sending the birth certificate once she has received her pre-confinement payment. Therefore, a pregnant woman abroad *could* lie on the maternity grant claim form about the identity of the father and evade prosecution by staying in that country of residence; therefore, the Department of Social Security would have no way of verifying the authenticity of such claims. The effect of this clause is that women in this category will just simply have to wait until confinement to claim the benefit – in other words, they will still be eligible for the benefit just after birth.

2485 Clause 3(2) and subclause (3) makes saving for women to receive an additional benefit if during the period of 30th June of last year and the date of publication of the Amendment Act they received a reduced maternity grant as a result of not satisfying the relevant contribution conditions and the child's father did satisfy those contributions. Additional benefit must not amount to more than the differences between the reduced grant already received under the prescribed amount set out in the principal Act.

2490 Clause 3(4) is also a savings provision stating that notwithstanding the prescribed time for claiming a maternity grant, set out in paragraph 1(b) of schedule 2 of the Social Insurance (Claims and Payments) Regulations, which is six months, if between 30th June of last year and the date of publication of the Amendment Act a woman received a reduced grant due to not satisfying the relevant contributions conditions and she wishes to claim the additional benefit, or a woman was confined and wishes to claim a

maternity grant on the basis of the contributions of the child's biological father, the prescribed time for claiming shall be the period of 12 months beginning with the date of confinement. Mr Speaker, this is to give women enough time to claim the benefits as the six-month prescribed period for claiming may have already elapsed in some cases by the time this legislation comes into force.

Mr Speaker, as you know I shall be moving an amendment to the Bill as regards clause 3(4) so that the 12-month period stipulated therein is extended to 18 months, to give women who meet the conditions more time to claim as the effect of having a 12-month period is that someone who was confined in July of last year, just after the Chief Minister's speech, would only have a month and a half to claim this benefit.

I now commend this Bill to the House. (*Banging on desks*)

Mr Speaker: Before I put the question, does any Hon. Member wish to speak on the general principles and merits of the Bill?

I will now put the question which is that a Bill for an Act to amend the Social Security (Insurance) Act and for connected purposes, be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Acting Clerk: The Social Security (Insurance) (Amendment) Act 2015.

**Social Security (Insurance) (Amendment) Bill 2015 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

Social Security (Insurance) (Amendment) Bill 2015 –

Acting Clerk: Committee Stage and Third Reading.
The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill, clause by clause, namely the Social Security (Insurance) (Amendment) Bill 2015.

In Committee of the whole Parliament

**Social Security (Insurance) (Amendment) Bill 2015 –
Clauses considered and approved**

Acting Clerk: A Bill for an Act to amend the Social Security (Insurance) Act, and for connected purposes.
Clauses 1 to 3 and the long title.

Mr Chairman: There are, I think, 10 clauses, right? So call out first of all clauses 1 to 10. Okay? (*Interjections*) No, it is the Income Tax that is first? No? Has it changed... the order?

Acting Clerk: Yes, we are only doing one.

Mr Chairman: We are only doing the Social Security one? The others we are not taking? (*Interjection*) Very well. Okay [*Inaudible*] We are dealing with the Social Security (Insurance) Bill.

Acting Clerk: A Bill for an Act to amend the Social Security (Insurance) Act, and for connected purposes.

Clauses 1 to 3.

2540

Mr Chairman: Stand part of the Bill.

Minister for Business and Employment (Hon. N F Costa): Mr Chairman, in respect of clause 3(4) – *(Interjection)*

2545

Mr Chairman: Clauses 1 and 2 stand part of the Bill.

Now for clause 3 there is an amendment.

Hon. N F Costa: Indeed, Mr Chairman.

2550

In respect of subclause 4 of clause 3, the amendment is to substitute ‘12 months’ with ‘18 months’.

Mr Chairman: I will put this amendment. Do all hon. Members agree? **(Members: Aye.)** Carried.

So clause 3, as amended, stand part of the Bill.

2555

Acting Clerk: The long title.

Mr Chairman: Stands part of the Bill.

BILL FOR THIRD READING

Social Security (Insurance) (Amendment) Bill 2015 – Third Reading approved: Bill passed

Acting Clerk: The Hon. the Chief Minister.

2560

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Social Security (Insurance) (Amendment) Bill 2015 has been considered in Committee and agreed to with an amendment, and I now move that it be read a third time and passed.

2565

Mr Speaker: I now put the question, which is that the Social Insurance (Amendment) Bill 2015 be read a third time and passed. Those in favour? **(Members: Aye.)** Those against? Carried.

ADJOURNMENT

Acting Clerk: The Hon. the Chief Minister.

2570

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House do now adjourn *sine die*. As I have indicated at the next meeting of the House we will be considering the Appropriation Bill and have the Budget debate.

2575

Mr Speaker: I now put the question, which is that the House do now adjourn *sine die*. Those in favour? **(Members: Aye.)** Those against? Carried. The House will now adjourn *sine die*.

The House adjourned at 1.50 p.m.